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IN DEFENCE OF AUSTRALIAN ACADEMIC UNIONISM

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Union of Australian College Academics

INTRODUCTION

This paper does not aspire to be an objective account of academic unionism. It is written from my perspective as a committed union activist, and comes at a time when there is a real prospect of a substantial erosion of the role and authority of Australia's academic unions. I refer, of course, to the well publicised plans of Professor David Penington (Vice-Chancellor of the University of Melbourne and immediate Past President of the Australian Higher Education Industrial Association (AHEIA), the national university employers' body) and Dr David Kemp (Liberal/National Party Shadow Federal Education Minister). Professor Penington and Dr Kemp have developed a model of academic industrial relations in which working conditions would be radically deregulated, and in which unions would be given only a limited role. They see unionism as responsible for the debasement of collegial life in our universities, and see State[1] regulation of academic working conditions as an erosion of university autonomy. State intrusion, the argument goes, has imposed a rigid and uniform labour code and has served academics badly.

This paper is something of a defence against these charges. Its bulk consists of some observations about the emergence of mass higher education in the last 30 years, and the change this has engendered in the relationships between universities, their academic staff and the State. The account underlines that the emergence of academic unionism is a response to, rather than a cause of, the erosion of the traditional 'liberal' conception of higher education, and the rise of the managerial ethos in Australian academe. I suggest that this has been an international phenomenon and that senior leaders of higher education have been quite prepared to support selective State intervention when it suits their managerial purpose.

In the latter part of the paper I briefly survey the recent achievements of Australian academic unions and conclude that the proposals of Dr Kemp and Professor Penington should not be supported.

Three disclaimers are necessary. First, the general thesis set out is based primarily on my own experiences of the last 15 years and is not intended to be a scholarly account. For those with an intellectual interest in academic unionism I have, however, provided appropriate notes and references. Second, although I have introduced a comparative element into the discussion, my treatment of overseas developments is really only the beginning of what needs to be a more detailed investigation. Finally, the paper does not look at the cultural dimensions of academic labour's evolution. This is obviously an important issue as it bears directly on the relationship between academic life, civil society and the State which in turn helps to define the self-consciousness of academic labour. But I will leave that question to the sociologists and philosophers!

FROM AN ELITE TO A MASS SYSTEM OF HIGHER EDUCATION

A Note on International Developments

Much of the public comment generated by the establishment of Australia's Unified National System of Higher Education (UNS) and the accompanying (and not always unworthy) demonization of former Federal Education Minister John Dawkins pays too little attention to the origins of today's Australian higher education sector. The shape of the system owes as much to State intervention by successive Governments in the 1950s, 1990s and 1990s as it does to John Dawkins and the State intervention of the late 1980s. Moreover, there are parallels between the evolution of Australian universities and those of Western Europe and North America.

The 30 year period immediately following the Second World War was marked throughout the Western World by enormous industrial and economic reconstruction and growth, by rising populations and by rising standards of living. Amidst this economic boom higher education was profoundly transformed by the twin pressures of rising social demand for access to universities, and by the seemingly insatiable demand of industry and external labour markets for ever increasing numbers of specialists and technicians.

There was an explosion in student numbers and an enormous growth in the level of financial support for higher education throughout Western Europe and North America. A substantial increase in the cost of higher education arose not only from quantitative growth but also from changes in the way in which higher education was delivered. Larger institutions emerged, there was a proliferation of specialist discipline and institution types, and capital and equipment outlays were increased enormously to maintain and extend research and teaching infrastructure in an undifferentiated fashion across most disciplines areas. This shift to a higher cost structure impinged on both public and private higher education institutions and remains a common feature of higher education systems in the developed world today.

The long boom in higher education was underpinned, even in the most free-market systems of the US and Japan, by extensive State intervention in the form of public grants and subsidies and by an increasing State authority over planning. In Western Europe the character of State intervention was overtly based on the direct centralised development of a fully public system, whilst in the US decentralised State authority performed the dual purpose of providing expanded public facilities and intervening to rescue the mass private higher education sector which was on the verge of collapse following market failure in the 1960s (Geiger, R. 1986 and Fulton, O. et al., 1982).

With the growth of higher education and the rise of State intervention came substantial changes to the traditional conception of the independent rights of universities. An ILO Report described the change in this way:

> *... in the postwar period nearly all countries have transformed their institutions of higher education from autonomous or semi-autonomous enterprises, with considerable freedom of financial management and control of access, to members of a system, at least partly centrally planned and financed and bearing a very different relationships to the State (and to each other) from that of the university ideal of previous centuries. This transformation has, of course, taken place to different extents and with different degrees of deliberateness, in different countries ... but there are no countries for whom the concept of academic freedom still gives universities an unqualified right to determine either the size of their intakes or their sources and level of finance*
> (Fulton, 1982, p. 5).

The same report describes the shift from 'elite' to 'mass' higher education and the structural change it produced:

> *When more than a small proportion of the [population] has access to the higher education system its institutions inevitably change character in many different ways. These changes generally include both the origins and destinations of graduates, the amount of resources expended on teaching and hence the kind and quality of instruction and, indeed, the structure of higher education... Sooner or later, it becomes impossible to continue to expand universities of the 'elite' type, and new institutions develop ... the pressures of growth and differentiation seem to lead to three developments: an expansion of non-university higher education; later, a tendency to merge university and non-university forms into more flexible, comprehensive institutions and an increased emphasis on part-time higher education*
> (Fulton, 1982, p. 11).

Although these developments threatened the traditional conception of universities in many ways - by blurring the traditional distinction between 'liberal' education and vocational education, by merging previously distinct professional cultures, by eroding university independence from the State and by allowing economic forces to shape curricula and the pattern of provision - they were in general supported by the leaders of higher education institutions throughout Western Europe and North America. In an environment of ever expanding resources concerns about the pure ideals of the Academy being diluted were outweighed by the tangible benefits of growth.

The same was true for the academic staff. The long boom was characterised by excess demand for qualified staff with academics consequently being guaranteed substantially rising standards of living and almost unlimited access to promotion and to research funds. In the US the demand for available faculty members actually outpaced the number of trained professionals during the 1950s and 1960s. The demand for faculty members above simple replacement needs stood at 27,500 per year by the late 1960s (Shaw, 1985, p. 11). US academic salaries increased sharply by 75% in real terms between 1959 and 1969 (Drescher and Polishook, 1985), while between 1967 and 1973 academic salaries increased in real terms by 16% in the UK and 29% in NZ (Marginson, 1989, p. 20).

A Note on Australian Developments

The trends in Western Europe and North America were also reflected in Australia during the post-Second World War period, although arguably with some lag. Higher education expanded dramatically throughout the late 1950s, 1960s and the early 1970s with the student population more than trebling and the proportion of gross domestic product allocated to education more than doubling (Senate, 1982, p. 43).

Accompanying this spectacular growth were increased State intervention, moves towards central planning and the establishment and subsequent consolidation of whole new sectors of the system. The recommendations of the *Murray Report* in 1957 laid the basis for the establishment of the Australian Universities Commission (AUC) by the Menzies Government in 1959, and for the subsequent provision of direct triennial grants to universities by the Commonwealth. The *Martin Report* of 1964, following a three year review, was the foundation for the establishment of the Commonwealth Advisory Committee on Advanced Education which subsequently became the Advanced Education Commission (AEC) (Birch and Smart, 1977 and Harman and Smart, 1982). The provision of direct grants to the States for advanced education in 1965, and the subsequent rapid growth of the sector, parallelled the development of non-university higher education provision in Western Europe and North America. The *Martin Report* also unsuccessfully recommended the establishment of a unitary national planning body for universities and colleges - it was to be another 13 years until the Fraser Government finally consolidated planning for both sectors under the umbrella of the Tertiary Education Commission (TEC), and to be a further 12 years before the move towards comprehensive institutions occurred with the release of the Dawkins' 1988 *White Paper*. This shift was already apparent in much of Europe and the US in the mid-to-late 1970s. Australia reflects the longevity of its Anglophile roots in this respect. Alone with the UK, Australia maintained a rigid binary divide between advanced education and universities until the late 1980s although there was nonetheless considerable merger activity in the UK in the early 1980s (Meek, 1988, pp. 159-70).

The most dramatic expression of centralisation and State intervention in Australia was the assumption in 1973 of full Commonwealth responsibility for funding higher education - a decision which fatally undermined the long term planning role of State Governments and gave the national Government decisive influence.

Although, like their overseas counterparts, some Australian university and college leaders and academic staff had reservations about the extent of State intervention and the scale of expansion - narrow instrumentalism, declining academic standards, concern about autonomy and so on - they on the whole supported the process and reaped substantial immediate material and academic rewards (Wheelwright, 1965 and Bessant, 1982, pp. 26-33). As early as 1952 in a pamphlet titled *A Crisis in the Finance and Development of Australian Universities* the Australian Vice-Chancellors Committee (AVCC) gave support to national rather than regional planning of universities, and to a much expanded Commonwealth funding role (Birch and Smart, 1977, pp. 124-5). Throughout the 1950s, 1960s and early 1970s compromises were reached which enabled the State to use universities and colleges to achieve its social and economic objectives while universities were able to rely on the State as a benevolent patron which could be trusted to defend the traditional liberal and scholarly foundations of higher education. Planning authorities within the State apparatus - the various Commissions and later the Commonwealth Tertiary Education Commission (CTEC) - were largely run and organised by senior university leaders and were able to function without interference from other Government agencies. The State relied on politically astute Vice-Chancellors to respond to Government priorities without overt direction. In turn this 'arm's length' relationship provided the Vice-Chancellors with privileged access to decision-makers within the State apparatus.

The pace of Australian expansion in the 1960s and 1970s brought with it the familiar characteristic of excess demand for academic labour, accompanied by rising academic salaries and substantial promotion opportunities for academic staff. In the decade from 1966-1975 the average salary of an Australian senior lecturer increased by 23.7% in real terms (Marginson, 1989, p. 16), and the prospects for appointment and promotion were so good in the 1960s and early 1970s that Professor Geoffrey Harcourt was later to say:

> *... because of the expansion in the 1960s, ... people of my age for example, who were lucky enough to be born at the height of the depression and then just come to fruition in time to teach the baby boom, have had roses, roses all the way* (Senate, 1982, p. 43).

THE END OF THE BOOM

Competing Interests in a New System

The benefits of the long boom in higher education and the relative comfort it engendered for those working in the system masked emerging tensions within and between universities, their academic staff and the State.

The expansion had produced permanent internal changes to higher education, including:

- A more direct connection between institutions and business/industry, including the expansion of external representation on, and involvement in, the decision-making bodies of universities.
- An expansion of internal democracy with greater levels of participatory governance inside universities and colleges - this was in large measure a response to the intellectual and political discontent which swept higher education in the late 1960s and early 1970s.
- An increase in the non-research effort of universities focussed primarily on undergraduate teaching arising from the explosion in social demand.
- Expansion of vocational/professional education and a consequent increase in the numbers of academic staff without an a priori commitment to the liberal ideal of the university.
- An increase in the internal complexity of institutions and an associated growth in the internal central bureaucracy based on a layer of professional managers, administrative officers and the like.
- Academic staff acquired 'mass' labour functions, and were required to respond to an increasingly differentiated clientele as a result of expanded undergraduate enrolments and an increased emphasis on provision of opportunities for the socially disadvantaged. Academics had been transformed from autonomous professionals into white collar wage and salary earners, although many were not yet conscious of this.

Universities had become big businesses within themselves. This involved a significant erosion of both the conservative vision of universities (Newman's Idea and the 'community of scholars') and the radical vision of universities as possible agents of revolutionary change through the transmission of anti-capitalist ideas. Particular institutions might still pursue these visions, and within institutions particular departments or disciplines might uphold these perspectives. But the higher education system as a whole, in all developed countries, had acquired (and still retains) broader economic and social functions based on more utilitarian imperatives. The end of the boom brought this fact into sharp relief.

The world-wide downturn of capitalism in the mid 1970s was accompanied by a sharp rise in inflation throughout the developed world, and a universal fiscal crisis of the State. The cessation of economic growth and burgeoning budget deficits forced Governments of all political persuasions to sharply reduce public expenditure. For higher education systems throughout Europe, North America and Australia this meant a rapid deterioration of their financial position and, for the first time, intensive external and internal competition for funds. The problem was compounded by demographic factors. The post-war baby-boom had dissipated and social demand for higher education levelled off. Declining enrolments coincided with the financial squeeze.

This sparked tension within and between institutions and their staff as competition for access to scarce resources intensified. Consensus decision-making and a sense of common purpose began to break down as institutions sought to balance competing interests. These included choices between:

- 'excellence' or universal access
- liberal arts or science/professions
- concentrated or generalised research funding
- teaching and research effort
- differentiation or comprehensivity in distributing funding reductions within individual universities and faculties.
(Lourens, 1990, pp. 218-231)

The attempted resolution of these contradictions transformed the most senior academics from scholarly leaders with administrative functions into academic managers with obligations to the corporate objectives of institutional central bureaucracy, as well as to a broad external constituency encompassing the business sector and representatives of the State. From this process merged the explicit shift to concern with, and the implementation of policy around the concepts of productivity, efficiency and accountability. These had become central to the language of internal and external debate about universities around the world by the mid 1980s.

The academic labour market moved rapidly from excess demand to excess supply with consequent reductions in real academic salaries, intense competition for new appointments and the drying-up of promotion opportunities for young and enthusiastic academics. Like the earlier parallels of the period of growth there are some similarities between Australia, Western Europe and the US.

US academic salaries fell 20.5% between 1971 and 1982, compared to a drop of only 4.3% for comparable occupations. Faculty salaries did not creep ahead of inflation until 1983 and this advance was due not to increases in salaries, but rather to a sharp decline in the inflation rate (Shaw, 1985, p.10). A US commentator describes the tale of an ageing academic staff structure and its consequences for promotion in the early 1980s climate of no growth:

> *... changes in faculty demography left America's colleges and universities with a large proportion of faculty members, tenured and in their middle forties and fifties, who will not retire for another 15 or 20 years ... these demographic conditions, coupled with retrenchments, have meant a sharp decrease in the number of available jobs for the new PhD and few, if any, promotional opportunities for young faculty. The crunch is felt disproportionately by women and minority faculty who did not begin to enter the system in significant numbers until the late 1970s*
> (Shaw, 1985, p. 11).

In the UK the onset of stagnation saw real academic salaries fall by 16.3% between 1973 and 1985 (Marginson, 1989, p. 20). The number of full time teaching and research staff in British universities fell from 43,017 in 1980-81 to 41,994 in 1982-83 while 1,134 full-time academic posts were lost in the polytechnic sector over the same period. This, combined with an academic 'age bulge', limited access to promotion, made the appointment of young full-time tenured staff increasingly difficult, and saw a significant rise in the use of part-time academic staff (Farnham, 1985).

Australian academic salaries also declined during this period. Between 1973 and 1985 real wages for a senior lecturer fell by 15.3% (Marginson, 1988, p. 11), a trend which was accompanied by rising undergraduate teaching loads and declining relative staff numbers. In 1979 there were 90 academic staff per thousand students. By 1983 there were only 82 academic staff per thousand students (McCulloch et al., 1984 p. 13). Low academic staff separation rates and the fact that over 70% of academic staff were under the age of 45 in 1980 meant that new appointment and promotion opportunities dried up.

The Rise of Managerialism

A new managerialism asserted itself vigorously in dealing with the labour market and policy dilemmas generated by the end of higher education's long boom. University managers and notionally independent buffer bodies within the State apparatus were increasingly active in proposing adjustment mechanisms which affected the vital economic and intellectual interests of academic staff. These included successful and unsuccessful attempts to reduce the incidence of tenure, to establish retrenchment and redundancy provisions, to create larger numbers of junior teaching only positions and to increase workloads.

Such an agenda was incompatible with the collegial governance structure of universities which had been strengthened by the earlier period of substantial growth and expansion. Hence at the end of the long boom institutional management and the State moved to dilute democratic processes inside universities and colleges and to rely instead on strategic planning and management by objectives as decision-making techniques.

In the US this change has been described as:

> *... an institutional drift from faculty to centralised control [where] ... administrators have adopted management strategies which reduce costs by increasing administrative control. 'Laissez-faire campus administration', the administrative model most compatible with the academic myth, has been replaced by [strategies] that rely on control, planning, evaluation and reallocation to promote institutional strength within financial constraints. This centralised control undercuts the autonomy, collegiality and shared governance that is central to the myth of academe ... Faculty senates, which increased in number and in prominence during the late 1960s and 1970s, have proved unable to either reassert a faculty role in administrative decision-making or recreate a shared collegial decision-making structure. Several major studies of faculty senates have shown that in most cases the faculty senate role in governance is superficial, insignificant, and advisory only. Even where faculty senates do exercise authority, that authority does not extend to hiring, firing, promotion, and tenure*
> (Shaw, 1985, p. 12).

In Britain the Jarret report, relying heavily on commissioned studies by the UK Committee of Vice-Chancellors and Principals (CVCP), recommended in late 1985 major changes to the internal structures of institutions including the development of strategic plans, the establishment of university planning and resource committees of 'strictly limited size', the appointment of heads of department by council only on the recommendation of the Vice-Chancellor, the categorisation of the Vice-Chancellor as chief executive and manager and a reduction in the size, frequency and number of committees. These changes involved shifts in the distribution of authority within institutions - a process described by a British commentator in the following way:

> *... institutional emphasis on organisational efficiency and managerial control [affected] conditions of service, class contact hours and staff workloads ...with implications for both management and academic staff. It affects the role of heads of departments, deans of faculties and other senior institutional office holders such as university vice-chancellors. They become increasingly managers of institutional resources, including academic staff, rather than academic leaders, general administrators and institutional spokespeople*
> (Farnham, 1985, p. 58).

These managerial preoccupations were echoed in Australia by the recommendations of the 1988 *White Paper* which included proposed reductions in the size of governing bodies, calls for what it described as 'strong managerial' modes of operation and the requirement for institutions to establish educational profiles (Dawkins, 1988, p. 103). What is commonly overlooked in much of the response to these aspects of Dawkins' proposals is that in substance similar recommendations emerged earlier in 1985 from the allegedly more independent CTEC. In its *Review of Efficiency and Effectiveness* CTEC recommended the abolition of elected Deans and Heads of School and an increased emphasis on selection of senior academics using management criteria. It also commented favourably on majority external representation on university councils and recommended punitive changes to academic conditions of employment including increased use of contract labour, the introduction of redundancy and the establishment of reversionary tenure positions, as well as the development of performance indicators (Commonwealth Tertiary Education Commission, 1986, Chapters 5-6). Moreover, these proposals were simply the last in a long line of State or management inspired attempts to change conditions of employment dating back to the late 1970s. Others included CTEC's 1978 review of study leave, the establishment of the 1981 *Inquiry into Academic Tenure* by the Australian Senate (during which the AVCC and CTEC supported the introduction of retrenchment for tenured academics), staff cutbacks following the 1981/82 bout of forced college mergers and ongoing support by CTEC and the AVCC for an increased use of junior contract labour (McCulloch, 1985 and Muffet, 1986, p. 111).

THE EMERGENCE OF ACADEMIC UNIONISM

Thus at the end of higher education's long boom academic staff were besieged by multiple pressures, including:

- Declining material rewards and in particular a decline in salaries relative to other unionized professionals such as teachers and public servants.
- A new and alien managerial culture.
- Reduced promotion opportunities and the real or perceived threat of redundancy or retrenchment arising from financial pressures.
- Increased competition with colleagues and with other universities and colleges for students, research opportunities and grants.
- An increase in the routine character of much of academic labour, particularly in teaching and administration at undergraduate level.
- An erosion of discretionary academic labour time.

In short, to coin a Marxist phrase, academics had been proletarianized by the emergence of mass higher education. The idealist view of academics as 'members of unique University communities where employer-employee relations existed, but were subservient to the pursuit of the common endeavour within those communities' (O'Brien, 1992, p. 2) was increasingly at odds with the day-to-day realities of academic life. Academics turned to unionism as a vehicle for defending their collective interests.

A Note on US Experience

The trend towards academic unionism appears to have been international in character. From the mid 1970s the Canadian Association of University Teachers (CAUT) substantially increased its authority and involvement in collective bargaining, while in the UK the Association of University Teachers increasingly sought a central negotiating role on salaries, tenure and promotion issues, as well as affiliating with the British Trades Union Congress (TUC) (National Education Association, 1985, Chapter 3).

The US experienced a huge upsurge in unionisation amongst academic staff from the mid 1960s through to the early 1980s. The US industrial relations system requires union bargaining units to be organised at institutional level with local unions seeking certification (or registration) from appropriate state authorities. In the public sector bargaining agents seek legal status under distinct legislation established by each of the State legislatures. In the private sector bargaining units are governed by the National Labour Relations Act and bargaining is overseen by the National Labor Relations Board, a quasi-judicial administrative agency with regional bureaucracies (Spitzberg, 1984, p. 102). Bargaining agents are able to obtain legally binding industrial contracts with codify employment conditions for a fixed term.

The magnitude of expansion of academic unionism can be gauged from the following table which traces the growth in certified academic bargaining units in the US higher education system.

Studies in the US reveal that this growth coincided with the onset of stagnation in higher education and that the tendency towards unionism has been stronger at lower levels of the hierarchy and is (not surprisingly) inversely related to the level of job satisfaction and to the level of genuine participatory democracy in the academic workplace (Foster, 1976 and National Education Association, 1985, pp. 17-30). The growth has also been affected by the highly competitive nature of academic unionism in the US, and has varied according to the culture and status of the colleges and universities within which academics work. The largest and most explicitly industrial organisation in higher education is the American Federation of Teachers (AFT) which represents around 43% of unionized academics and has extensive links with the organised labour movement. The American Association of University Professors (AAUP), formed in 1916 as a professional body for professors, has around 90,000 members and acts as a collective bargaining agent, although its perspective on industrial unionism remains ambivalent. The National Education Association (NEA), similar in orientation to the AAUP, also plays a role in both the professional and industrial arenas. These national bodies do not act as the direct collective bargaining agent - this is carried out by local faculty or regional organisations which are affiliated with one of the AFT, AAUP or NEA. Competition between these unions is maintained through the requirement that academic staff periodically "elect" (via a ballot) a local bargaining agent to represent them. These "elections", and many industrial disputes, often encourage alliances between two of the three national organisations in order to secure majorities. At the University of Pittsburgh, for example, the local bargaining agent is jointly affiliated with the AFT and the AAUP (Elam and Moskow, 1969; Spitzberg, 1984; Taskunas, 1981; and Drescher and Polishook, 1985).

These unions now represent around 200,000 US academic staff (with 80% of unionists being in the public sector) and appear to have played a significant role in gaining higher minimum salary rates for union members than non-union members in the public system. Tables 2 and 3 compare and contrast unionized and non-unionized salaries in US public higher education system by classification and discipline area. The figures are quite impressive - across all grades unionized salaries are 16.5% higher than salaries at non-unionized institutions, and across the key discipline areas are between 9% and 25% higher (with the notable exception of business and management).

Some caution is required in placing too much weight on this data as it excludes consideration of the very large US private education sector. Some estimates suggest the difference may be little more than 5% when private institutions are included. Unionization in the private sector has declined since a 1980 US Supreme Court Decision in the case of *Yeshiva University v the National Labour Relations Board* (Supreme Court, 1980).

TABLE 1: NUMBER OF TEACHING STAFF BARGAINING UNITS IN US HIGHER EDUCATION SYSTEM

1966	11	1970	160	1974	360
1967	25	1971	230	1980	427
1968	65	1972	290	1986	458
1969	130	1973	330		

(Taskunas, 1981, p. 154 and National Centre for Study of Collective Bargaining in Higher Education, 1987)

TABLE 2: DIFFERENCES IN U.S. SALARIES FOR UNIONIZED AND NON-UNIONIZED ACADEMIC STAFF (AVERAGES OF WHOLE U.S. PUBLIC HIGHER EDUCATION SECTOR 1989/90)

CLASSIFICATION	UNIONIZED SALARY (AVERAGE) $US	NON-UNIONIZED SALARY (AVERAGE) $US	DIFFERENCE
Professor	50,871	45,323	12.2
Associate Professor	40,996	37,259	10.0
Assistant Professor	33,397	31,294	6.7
New Assistant Professor	30,642	25,137	21.9
Instructor	25,773	24,214	6.4
ALL RANKS	42,680	46,649	16.5

(National Education Association, 1991, pp. 17-20)

TABLE 3: DIFFERENCE IN U.S. ACADEMIC SALARIES FOR UNIONIZED AND NON-UNIONIZED ACADEMIC STAFF (AVERAGES OR WHOLE U.S. PUBLIC HIGHER EDUCATION SECTOR, DISCIPLINE BY DISCIPLINE, 1989/90)

DISCIPLINE	UNIONIZED SALARY (AVERAGE) $US	NON-UNIONIZED SALARY (AVERAGE) $US	DIFFERENCE
Social Sciences	41,614	34,865	19.36
Engineering	49,845	45,724	9.01
Business/ Management	43,555	43,481	0.17
Teacher Education	41,793	35,658	17.21
Letters	41,245	32,868	25.49
Chemistry	46,309	38,778	19.42
Nursing	37,545	30,874	21.61
Languages	40,874	33,563	21.51
Physics	45,635	39,910	14.34
Architecture	45,183	38,507	17.34

(National Education Association, 1991, pp. 17-20)

The case is worth examining as it says much about the relationship between collegial governance and academic unionism. At issue was an application filed by the Yeshiva University Faculty Association (Union) with the National Labor Relations Board seeking certification as a bargaining agent for full-time academic staff, following a vote by the academics to support the Union claim. The University opposed the application on the grounds that academic staff participation in the governance of the University gave them a 'managerial' role, and that the relevant statute did not allow 'managerial employees' union rights. Although the Labor Relations Board rejected this argument the University won an appeal in the Supreme Court. The Court held by a 5-4 margin that:

> *... authority in the typical 'mature' private university is divided between a central administration and one or more collegial bodies. This system of shared authority evolved from the medieval model of collegial decision-making in which the guilds of scholars were responsible only to themselves ... [these] traditions continue to play a significant role ... principles developed for use in the industrial setting cannot be imposed blindly on the academic world ... The controlling consideration is that the Faculty exercise authority at Yeshiva which is unquestionably managerial. Their authority in academic matters is absolute [including] ... teaching methods, grading and ... on occasion the size of the student body ... the faculty at each school make recommendations to the Dean or Director in every case of faculty hiring, tenure, sabbaticals, termination and probation*
> (Supreme Court, 1980, pp. 857/861).

For many observers the Court's decision was tinged with an air of unreality given the actual distribution of authority within modern universities. This point was not lost on the Court's dissenting minority which, led by Justice Brennan said:

> *... the task of operating the university enterprise has been transformed from the faculty to an autonomous administration which faces the same pressures to cut costs and increase efficiencies that confront any large industrial organisation. The past decade of budgetary cutbacks, declining enrolments, reductions in further appointments, curtailment of academic programs, and increasing calls for accountability to alumni and other special interest groups has only added to the erosion of the faculties' role in institutions decision-making process. ... what the Court fails to apprehend is that whatever influence the faculty wields in university decision-making is attributable solely to its collective expertise as professional educators, and not to any managerial prerogatives ... the administration may attempt to defer to the faculty's competence whenever possible, but it must and does apply its own distinct perspective to those recommendations, a perspective which is based on fiscal and other managerial policies which the faculty has no part in developing ... The very fact that Yeshiva's faculty has voted for the Union indicates that the faculty does not perceive its interests to be aligned with those of management ... The Court's conclusion that the faculty's professional interests are indistinguishable from those of the administration is bottomed on an idealised model of collegial decision-making that is a vestige of the great medieval university. But the university of today bears little resemblance to the 'community of scholars' of yester-year*
> (Supreme Court, 1980, pp. 870/872/873).

Although *Yeshiva* has been used by American higher education employers to stymie the further development of private sector academic unionism during the 1980s its precedent value may not stand the ultimate test of time. Its application has generated some untenable contradictions. The US journal *Academe* reported in 1987 on a major dispute between the American Association of University Professor (AAUP) and Fairleigh Dickinson University. An agreement was established in 1984 which, amongst other things, guaranteed a faculty role in the appointments of Chairs, Deans and committees. As the agreement neared expiry the University made application to have the AAUP local decertified - using the *Yeshiva* precedent the University argued that the faculty were 'managerial' in exercising a formal role in appointments. The AAUP local was decertified and without formal bargaining power the academics lost the legal 'managerial' rights upon which the University based its case! (McDonald, pp. 20-4). There are some signs that *Yeshiva* is being questioned by lower courts and authorities. In 1991 an AFT/AAUP local won a major victory in a dispute with the University of Pittsburgh about the refusal of the university management to bargain over a new industrial contract. Management relied on *Yeshiva's* 'managerial' formulation but the Pennsylvania Labor Relations Board ruled that only a minority of faculty were allowed to participate in the collegial process, that faculty authority was limited to academic matters (not budgets or staffing) and that decisions of participatory bodies were recommendatory only (American Federation of Teachers, 1991, pp. 8-9).

Studies appear to indicate that US academic unionism has been beneficial for staff. There is no doubt that unionized salaries are higher, although by how much is not clear. They are clearly considerably higher in public sector institutions and according to one commentator unionized salaries have the effect of pushing non-unionized salaries upwards. In the competitive US environment

> *administrators at non-unionized institutions (need) to match gains by unionized faculty in order to maintain their institution's representation and stave off consideration of collective bargaining by their own faculty ... given that most unionized faculty are found at State supported colleges and universities it may be something of a distortion to draw comparisons between unionized and non-unionized colleges since faculty's real competitors are often civil servants ... without collective bargaining faculty salaries would have diminished in some proportion as a direct result of the increasing power of unionized civil servants*
> (Drescher and Polishook, 1985, p. 15).

Decisive gains also appear to have been made in increasing faculty participation in decision-making (a somewhat ironic twist given the *Yeshiva* decision) (National Education Association, 1985, pp. 17-30). A typical collective contract will not only include salary, leave, retirement and related benefits, but will also include provisions guaranteeing 'rank-and-file' academic staff involvement in selecting Heads of Department and in the recruitment, appointment and promotion of staff.

AUSTRALIAN DEVELOPMENTS

The evolution of Australian academic unionism has been conditioned by many of the same factors at work in overseas higher education systems but has spread more rapidly and has (arguably) gained greater authority. This distinction arises from the stronger general union culture which exists in Australia, and the effects of Australia's centralised industrial relations system. In this system unions organised at State and Federal level have monopoly coverage rights (which are difficult to challenge), and awards and industrial agreements granted by arbitration tribunals apply to all workers employed by the employer parties to the award (whether union members or not). Moreover, recalcitrant employers are legally obliged to participate in arbitration and to adhere to an arbitrated decision. Awards or agreements have an unlimited life and can only be varied with agreement by both parties. These arrangements have placed Australian academic unions in a relatively strong legal position (although employers retain the whip hand in relation to matters defined as 'managerial prerogative').

It is often wrongly assumed that academic unionism in Australia began with the 1987 federal registration of the two national academic unions - the Union of Australian College Academics (UACA) and the Federated Australian University Staff Association (FAUSA) - in the Australian Industrial Relations Commission (AIRC). In fact there was extensive development of formal union organisation much earlier.

The pace and depth of this development was uneven with (not surprisingly) college academics, former teachers and more junior academics unionising earlier and in greater numbers than their more senior counterparts in the more prestigious traditional universities.

In 1957 the New South Wales Teachers Federation (NSWTF) successfully gained a salaries award from the NSW Industrial Commission for academics employed at the NSW University of Technology. Given the absence of any other formal regulation of academic salaries by the State the industrial award quickly became a benchmark for salaries negotiation in other universities, even though most academic staff were not union members. The Federal Council of University Staff Associations of Australia (FCUSSA) - a national body formed in 1952 which later became FAUSA in 1962 - was unconvinced that industrial regulation of salaries was appropriate. It retained (with some ambivalence) the view that the scholarly labour of academics was *sui generis* and could not be treated as a conventional employment relationship. Nonetheless from 1957 onwards, no doubt in part under pressure from the NSW award, FCUSSA/FAUSA was concerned *"to achieve a national mode of salary determination, minimise salary differentials while at the same time maintaining the collegial traditions of academic life"* (O'Brien, 1992, p. 6 and O'Brien, 1990). The *Eggleston Report* (1964) on academic salaries laid the foundation for the development of a national salaries structure. While endorsing the concept that academic labour was *sui generis* the Report nonetheless acknowledged that the fixation of salary rates must have some regard to rates for comparable professional groups, particularly research scientists and engineers.

The establishment and subsequent expansion of advanced education from the mid 1960s saw the establishment of a new national organisation in 1968 - the Federation of Staff Associations of Australian Colleges of Advanced Education (FSAACAE) - to represent the interests of academic staff in the burgeoning institutes of technology, teachers' colleges, advanced education colleges and other specialist vocational institutes. The *Sweeney Report* (1969) provided the basis for a national advanced education structure (although the authority of State governments over the advanced education sector lessened its impact) and proclaimed that the new institutions were 'equal but different'. Salary rates for lecturers and senior lecturers were to be the same as those of traditional university staff.

Further national reviews followed (*Eggleston* 1970 and *Campbell* 1973) until finally a permanent national review and adjustment mechanism was established in 1974 in the form of the Academic Salaries Tribunal (AST). This had been actively sought by FAUSA and FSAACAE. The Tribunal represented a classic compromise between the need to provide for a regular independent assessment of salaries, and the perceived need to ensure that the special character of academic work was not diluted by the processes of industrial arbitration. The Tribunal did not operate in an adversarial fashion and was encumbered in several ways:

- Its jurisdiction was confined to salary and related matters only and it could not become involved in matters such as leave, tenure or promotion.
- It did not provide conciliation or dispute resolution procedures.
- Its decisions were recommendations only (although it should be noted that most institutions adopted its scales as Government funding was determined by Tribunal decisions).
- There was no right of appeal from its recommendations and Parliament retained the right to veto its decisions (a prerogative not available to Parliament in the case of decisions of the Industrial Relations Commission).

With the end of higher education's Australian long boom in 1975, the weaknesses of the AST became apparent. Its jurisdiction was unable to deal with the welter of employment and professional issues arising from the end of the boom. The sharp contraction in advanced education left college academics vulnerable to unilateral funding and employment decisions by Governments and campus administrations. A wave of rationalisation washed over the colleges between 1976 and 1982. At the same time in the traditional university sector the cessation of growth saw a rising discontent amidst junior academic ranks. As the decade progressed academics identified that the 'arms length' relationship between the State and Vice Chancellors/Principals was disappearing. Increasingly, management and the State were moving in lock-step to impose bureaucratically determined adjustment mechanisms to cope with declining resources (see page 8). Thus there was a surge of union activity by academics from the mid 1970s onwards as academic labour sought to establish a countervailing relationship with the State via State-sponsored conciliation and arbitration. A former prominent Vice-Chancellor, Professor Keith Hancock, describes this development:

> *... before the 1970s the staff associations did not perceive themselves as unions and, indeed, regarded conventional union behaviour as inconsistent with the way in which universities were governed, emphasizing, as it did, collegiality and participation. During the 1970s and 1980s however, they increasingly identified themselves as entities for furthering the interests of staff members ... an important factor was ... the influence of more union members of staff, often lacking tenure, to whom more customary union goals were important ... the process may also have been fostered by the development of more managerial attitudes and practices among the administrations, this in turn being accentuated by the policies of the federal government and its buffer authorities ... the associations' becoming more union-like with the necessity of getting recognition in the conciliation and arbitration system*
> (Hancock, 1989, p. 114).

The Move to State Industrial Commissions

The issue for academics was how to unionise. Legal access to the federal tribunal - the AIRC - was not possible in the mid-1970s. A 1929 High Court decision in the *State School Teachers* case had ruled that teachers (and by extension some other categories of professional workers, including academics) were not engaged in an 'industry' and therefore could not be involved in 'industrial disputes'. This restriction did not apply, however, in the various State industrial jurisdictions. College academics was active in seeking to register Statewide unions in these jurisdictions and gained awards in Western Australia (1976), South Australia (1982-83), Queensland (1982-83) and Victoria (1981-85). These awards covered a variety of non-salary matters (the State tribunals refused to become involved with salaries, given the AST's jurisdictions) including leave, tenure and regulation of the incidence of contract employment. FSAACAE changed its name to the Federation of College Academics (FCA) in 1979 (and later to the Federated Council of Academics in 1986) and began to play an important co-ordinating role as the national collective organisation (McCulloch, 1985).

The move to State tribunals was much slower in the traditional university sector reflecting the more conservative culture of FAUSA's local Branches and the fact that rationalisation was not as severe as in advanced education. From the mid 1970s onwards FAUSA's local Branches moved to seek registration in the State tribunals but this was more of a defensive move (to prevent other unions from covering traditional university academics) than a move to regulate conditions of employment. While local Branches would accede to FAUSA having industrial authority as a salaries advocate in the AST they were not supportive of industrial regulation of other conditions. Pressure from untenured staff saw the first State industrial determination registered by a FAUSA Branch in 1986 - the *Monash University Tutors* case.

Federal Registration

The move to State industrial tribunals did not diminish the need for academics to gain access to the federal AIRC. There were compelling reasons as the early 1980s approached to seek national registration, including:

- **The continuing weakness of the AST** whose continued adherence to the doctrine of *sui generis* made it difficult for FCA and FAUSA to argue that academic pay rates should keep pace with rates for public servants, teachers and engineers. The problem was particularly acute for the college sector as the AST had abandoned the nexus between university and college rates in 1976.
- **The slow pace of expanding State award coverage** which left college academics vulnerable when the second wave of college rationalisation commenced in 1982 (the 'Razor Gang' amalgamations), and which left the untenured staff in the traditional universities largely unprotected as per capita funding rates continued to decline (McCulloch, 1985, pp. 5-7).

A national approach was needed. The shift towards this approach was signalled in 1980 on the political front with the affiliation of FCA to the Australian Council of Trade Unions (ACTU), and on the legal front with moves in the High Court by FAUSA to seek a legal basis for national registration as a union. The *Darvall* case sought, unsuccessfully, to argue that universities were ancillary to industry and commerce, and that therefore the work of academics had an incidental 'industrial' character, and was therefore capable of becoming involved in 'industrial' disputes. The narrow nature of the FAUSA argument, and the fact that FAUSA declined an invitation from the Court to challenge the *State School Teachers* case head-on, underlined that traditional university academics at a senior level still retained ambivalence about their relationship with the State's industrial relations apparatus.

Although the High Court rejected the narrow FAUSA argument it seized the next available opportunity to overturn the fundamental basis of the *State School Teachers* case. In the 1983 *ASWU* case it expanded massively the constitutional definition of 'industrial disputes' to include:

> *... the popular meaning of 'industrial disputes' (which) includes disputes between employees and employers about the terms and conditions of employment and conditions of work*
> (McCulloch, 1983, p.1).

This enabled access to the AIRC for a host of previously excluded categories of worker, including teachers, social workers and academics. FCA and FAUSA both made immediate application for registration - in FCA's case under the name of the Union of Australian College Academics (UACA). It was, however, to be another three and a half years before registration was achieved, because of further technical and legal process. The intervening period was characterised by rising militancy amongst academics. The election of a Labor Government in 1983 raised expectations that the pressures on higher education would abate. Developments rapidly confounded these expectations. New student places were 'marginally' funded, which increased class sizes and workloads, and academic staff witnessed the appalling spectacle of direct Prime Ministerial intervention in the AST. On 17 April 1984, following a 2 year review, the Tribunal awarded a 5% academic salary rise. On June 5, the Tribunal reconvened, and after refusing to allow substantive argument from FCA or FAUSA, reversed its earlier decision and awarded less than half of its original decision, with the balance to flow a year later. Some weeks later it became public that the chair of the Tribunal, Justice Ludeke, had acted on the advice of a private telephone call from the Prime Minister. The decision generated work-bans in NSW institutions, but was later overturned by the Federal Court (Federation of College Academics, 1984).

In 1985 and 1986 there were sporadic outbreaks of protest, including a number of stoppages and strikes, about the contract academic labour system which saw a Statewide agreement reached between CASA (FCA's Victorian Branch) and Victorian colleges. The agreement limited non-tenured appointments to no more than 25% of the total academic staff profile. The agreement underlined the pressure being generated by the academic 'underclass'. The federal registration of FAUSA in December 1986 and UACA in February 1987 was long overdue.

Federal Awards

Following federal registration a raft of national and local federal industrial awards was established rapidly during 1987, 1988 and 1989. The first national awards were salaries agreements for both the university and college sectors. These simply reflected prevailing rates, although an important change occurred when these awards were amended in 1989. The salary rates set down were no longer prescribed as *paid rates* (i.e. the employer was legally unable to pay above the set rate) but were rather cast as *minimum rates* (i.e. the employer must legally pay at least the prescribed rate but is free to pay above this without the intervention of the AIRC). This has provided universities and colleges with flexibility to deal with shortages in particular disciplines, by offering market salary loadings, and to retain senior academic staff. This change has been carried over to the new unified salary structure established in 1991. Salaries provision by federal award has been augmented by a further national award - the *1988 Tertiary Education Superannuation Award* which provides 3% of salary annually as a compulsory employer contribution for retirement, in addition to the 14% contribution provided by the Superannuation Scheme for Australian Universities (SSAU). These awards have been jointly established by UACA and FAUSA.

The other main national award to which UACA and FAUSA are parties - the *1988 Second Tier Award* - contains a number of punitive provisions which were initiated by the higher education employers' association - The Australian Higher Education Industrial Association (AHEIA). These include clauses which provide for retrenchment and redundancy of academic staff, and also clauses providing for dismissal on the grounds of ill-health, unsatisfactory performance or serious misconduct. The award provisions were bitterly resisted by UACA and FAUSA - including stop-work action in most major cities - but were eventually imposed by the AIRC following arbitration hearings in late 1988. It is consistent with the general pattern of the 1970s and 1980s that these provisions were jointly sought by the State and institutional management. Their continuing alliance fatally undermined whatever confidence academic staff still had left in collegial relationships (particularly in traditional universities). This, combined with hostility to other aspects of the Dawkins' agenda, helps explain the militancy and industrial action which accompanied the 1989-91 award restructuring dispute.

UACA actively built up a network of *federal enterprise awards* dealing with conditions of employment such as workloads, annual leave, long service leave, promotion policy, appointment procedures and contract employment. These awards are *Queensland Colleges of Advanced Education Award* 1988, *Australian Film, Radio and Television School Award* 1988, *Northern Territory University Award* 1988, *Australian Maritime College Award* 1988, *South Australian CAE Award* 1989, *Tasmanian State Institute of Technology Award* 1989, *Victorian CAE Leave Award* 1989, *Western Australian College of Advanced Education Award* 1989, *University of Canberra Award* 1991. The awards provided legal protection of long standing conditions but avoided rigidity by reflecting the different histories and cultures of each institution. These were, in turn, buttressed by over 20 local industrial agreements dealing with institutional amalgamations which were jointly negotiated by UACA and FAUSA in 1989-91.

AWARD RESTRUCTURING

The major achievement of Australian academic unionism is undoubtedly the 1991 *Award Restructuring Agreement* - an undertaking of immense complexity given that it involved the merger, on a national basis, of the salaries and traditions of university and colleges. The agreement, finalised in July 1991, only came after months of wrangling within and between the unions, the AHEIA and the Commonwealth, and followed two national work stoppages and bans on students' annual examination results in 1990 (Blackford, 1992; Currie, 1992 and McCulloch, 1991). Finalization of the agreement came at a time when the Australian academic labour market had moved back into a phase of excess demand which strengthened the hand of the academic unions. A 1990 labour market study has estimated that Australia faces a shortage of up to 20,000 academic staff based on student growth projections to the year 2001 (Sloan et al., 1990). Not only did the agreement provide for substantial salary hikes it also dealt directly with two of the key issues which had underpinned the rise of academic unionism - promotion opportunities and the incidence of untenured employment.

A Unified Academic Classification Structure

The dramatic change in the Australian higher education system wrought by the *White Paper* had major industrial relations implications. There were some 70 or so universities and colleges of advanced education in 1987 which through mergers and amalgamations had been reduced to some 40 or so new institutions by 1991. Almost all of these new institutions are universities which have been created by either the merger of CAEs with 'traditional universities ' (such as the amalgamation of Melbourne University with the Melbourne CAE) or the simultaneous merger and upgrading of former CAEs to form a 'new university' (such as the upgrading of the former New South Wales Institute of Technology and its subsequent merger with Kuringai CAE to form the University of Technology, Sydney). The abolition of the binary system and the resultant Unified National System (UNS) impelled unions and employers to re-examine the separate salary rates and classification structures for college and university academics established by the AST in 1976, and which were carried over in the Federal AIRC in 1987. It was not possible to maintain separate rates and classifications for college and university academic staff when the structural basis of separation has disappeared - it would involve huge administrative complexity to sustain a former college salary stream within amalgamated institutions and would undoubtedly lead to internal friction and division amongst staff. This posed acute questions about the nature of academic work and the skills and qualifications required to perform it. In the UNS two distinct but complementary academic cultures had been merged - the culture of the former college system which entailed a primary emphasis on teaching, vocational training and the ongoing development of formal links with the professions and industry, and the culture of the 'traditional' universities which was founded on the link between teaching, research and postgraduate education. This cultural merger highlighted in its sharpest form the 'parity of esteem' debate which dominated Australian higher education planning from the early 1980s onwards.

Although the unions and the employers acknowledged early in the award restructuring negotiations that a new classification and salary structure should be based on full equality between the two former sectors, giving effect to comparable worth was not easy. The autonomy of individual academic staff and the wide variety of institutional practices in the former binary system provided few national points of reference upon which to rely in designing a new structure. Many academic staff had never worked in accordance with defined duty statements; classification criteria for particular categories of academic staff had rarely been systematically committed to paper, and where they had been there were often substantial variations within and between institutions. The unified structure produced for the first time broad standards which can be applied across the whole higher education system. These standards ensure that teaching, research, administration and professional contributions are primary tasks for all academic staff. The key to relative seniority within the academic structure lies not so much in the balance of these functions as in the intensity and excellence with which they are performed.

Flowing from this teaching, research and professional/consulting contributions should have broadly equal value. None is more important than another and none can be performed well without reference to the others. Based on these principles the academic award restructuring agreement established a broadbanded five level salary and classification structure to replace the previous college and university arrangements as follows:

- Level A : former University Tutor and Senior Tutors and former College Lecturer III
- Level B : former University Lecturers and College Lecturers II and I
- Level C : former University Senior Lecturers and College Senior Lecturers II and I
- Level D : former University Associate Professor and College Principal Lecturer
- Level E : former University Professors and College Heads of School

To encourage diversity and flexibility the agreement left the issue of titles and designations to institutional processes, but provided broad classification criteria for appointment and promotion to each level.

Unifying and Improving Promotion Opportunities

In the binary system two distinct approaches to promotion existed. The 'traditional' universities had an understandable emphasis on the centrality of research and publications as the basis for achieving promotion, particularly at Senior Lecturer level and above. Such an emphasis arose from the high level of postgraduate effort in these institutions and the consequent need for academic staff to have the requisite research experience necessary for postgraduate supervision. Teaching and professional experience had formal equivalent standing as promotion criteria but a premium was placed on research. The CAE sector also gave considerable weight to research and publications in assessing promotion applications but gave real effect to the formal equivalence in value of teaching and professional contributions as promotion criteria.

The challenge in award restructuring was to ensure that both approaches to promotion were kept in balance. To deny in practice the centrality of teaching and professional experience in promotion would not only disenfranchise a large body of former CAE staff but also undermine the twin objectives of improving the quality of undergraduate teaching and encouraging the mobility of staff between institutions and the professions. On the other hand, to deny the importance of research and publications would diminish the international standing of the Australian higher education system and discourage active postgraduate research at a time when higher degree enrolments were critically low. The award restructuring agreement addressed this problem by establishing a common set of national guidelines to be used in determining promotion through the proposed unified national salary structure. The agreement suggests that the following criteria should be applied to promotion applications in broadly equal measure:

- Experience and achievement in teaching and curriculum development.
- Achievement and experience in research and scholarship.
- Contribution to institutional planning and governance.
- Contribution to relevant professions and the wider community, including industry exchanges and consulting work.
- Formal qualifications or progress towards such qualifications.

Given the wide diversity of existing promotion arrangements and the fact that individual institutions have different missions within the UNS the agreement did not seek to prescribe these criteria but instead required institutions to evolve new promotion arrangements. The evolution of new approaches is to be monitored by the unions and the employers leading to a review of promotion of a system-wide and institutional basis at the end of 1993.

The second (and arguably more important) dimension of the promotion issue was the extent in any event of promotion opportunities. The 'traditional' university culture had not regarded appointments at tutor and senior tutor level as career appointments, preferring to see these staff (who carry a substantial undergraduate teaching load) as academic 'apprentices'. Consequently, very few institutions had provisions for internal promotion from the tutoring grades to the lecturing grades. The agreement represented a major breakthrough in this respect by explicitly acknowledging that all institutions were required to evolve promotion processes which provide for internal promotion from Level A to Level B, Level B to Level C and Level C to Level D. This evolution will also be monitored by the unions and the employers and will be encompassed by the proposed 1993 review.

Controlling Untenured Employment

The combination of no-growth in the late 1970s and inadequately funded growth in the 1980s created an increasingly large pool of untenured employment and this long-running sore was addressed head-on by the award restructuring agreement. The agreement required that a system-wide proportion of total academic staff (measured on an EFT basis including casual appointments) at Level A in tenured employment be established at around 30%, and that no more than 30% of the total academic staff establishment at a system wide level (including casual staff) should be in untenured employment. Although considerable technical work is still required to refine this framework the targets set out are to be achieved by 1993 and will yield substantial benefits for staff and the system as a whole. Combined with improved promotion opportunities the incentives for academics (particularly young female academics) to remain in higher education will be dramatically increased. Many institutions will be required to convert casual positions into fixed-term positions, and in turn a significant number of junior fixed-term positions should become tenured.

Halting the Salary Decline

Restructuring of the academic salary awards commenced in mid 1989 and has involved four distinct salary movements. A 3% increase in salaries was applied to the old college and university rates in September 1989 and again in May 1990. In July 1991 all Australian academics moved to the unified national salary structure, but translation to the new scale occurred in two steps. The first involved an average salary rise of around 8% in 1991 which is to be followed by a further average rise of around 1% in July 1992 when the second step of the translation process occurred.

These are very large salary rises compared to general movements in Australian wages and salaries which have risen by only around 9% between 1989 and early 1992. Moreover, the new structure provides for annual incremental progression and has extended the available range for future progression. As a consequence the real value of the salary increase will continue to grow throughout the 1990s, as can be seen from Table 4.

In reading Table 4 two points should be borne in mind - the data do not include the two 3% salary rises of September 1989 and May 1990, nor does the table take account of the general 2.5% wage rise which flowed to most Australian workers in late 1991 - academic staff received this rise in September 1991. When these factors are taken into account Australian academic salaries have risen by around 18% between 1989 and the beginning of 1992, which will rise to about 21% in 1997 (assuming constant dollars). This has occurred at a time when the Australian inflation rate has declined sharply, and is now amongst the lowest in the developed world.

Much attention was focussed on the lack of international competitiveness of Australian academic salaries during the award restructuring process with Marginson's study (1989) suggesting that Australian salaries had declined by around 20% relative to salaries in the UK, NZ and the USA between the late 70s and late 80s. The award restructuring process appears to have achieved a major turn-round in the relative competitiveness of Australian salaries. Table 5 sets out comparisons between Australian and US salaries between July 1989 and September 1991 and indicates that Australian academics have improved their position by around 12% relative to their US counterparts since 1989. The improvement at the higher levels has been less marked (around 9-10%) reflecting the compression of relativities in the Australian unified salary structure. This was quite justifiable given the extensive incidence of allowances and overaward payments for staff in the professional salary grades.

TABLE 4: SUMMARY OF REAL VALUE OF AWARD RESTRUCTURING SALARY INCREASES

(The salary increases have been adjusted to reflect losses, gains and delays in incremental progression, and are in constant July 1991 dollars, but exclude the 3% rises granted in September 1989 and May 1990.)

Position on Old Scale	TRANSLATION RISE 1 (23/7/91) Constant value of rise in (%)	($)	TRANSLATION RISE 2 (23/7/92) Constant value of rise (%)	($)	FINAL OUTCOME (23/7/97) Constant value of inrise in (%)	($)
Professor (No increments)	6.2	4188	12.1	8182	12.1	8182
Ass. Professor (No increments)	9.6	5507	13.1	7507	13.1	7507
Senior Lecturer (Top of Scale, Jan 1)	6.3	3103	7.8	3985	10.8	5485
Senior Lecturer (Top of Scale, July 1)	7.4	3808	7.8	3985	10.8	5485
Lecturer (Top of Scale, Jan 1)	5.1	2119	6.7	2904	10.2	4404
Lecturer (Top of Scale, July 1)	6.8	2823	6.7	2904	10.2	4404
Lecturer (Bottom of Scale, Jan 1)	13.8	4560	12.9	4657	10.2	4404
Tutor (Top of Scale, Jan 1)	2.9	788	5.7	1604	35.7	10004
Average of Whole Structure (July 1 Increment)	8.1	$88.94M	9.1	$99.5M	15.7	$127M

(Federated Council of Academics, 1991, p. 5)

TABLE 5: COMPARISON OF US AND AUSTRALIAN ACADEMIC SALARIES 1989-1991

US INSTITUTION AND CLASSIFICATION TYPE ($A) (a)	1989 ACADEMIC SALARY ($A)	1991 ACADEMIC SALARY CAEs(b)	1989 AUSTRALIAN ACADEMIC SALARY IN UNIVERSITIES AND (c)		1991 AUSTRALIAN ACADEMIC SALARY IN UNIFIED NATIONAL SYSTEM 1989		AUSTRALIAN SALARY AS % OF US	
								1991
ALL PUBLIC AND PRIVATE								
Professor	66,925	70,263	Professor	63,919	Level E	73,800	96.0	105.0
Associate Professor	49,488	52,225	Senior Lecturer (max)	48,086	Level C(max)	56,375	97.0	107.9
Assistant Professor	41,213	43,300	Senior Lecturer (min)	41,460	Level C(min)	48,688	101.0	112.4
Lecturer	34,725	37,413	Lecturer (min)	31,259	Level B(min)	39,463	91.0	106.0
Instructor	31,113	32,613	Senior Tutor (mid)	28,640	Level A(mid)	33,620	92.0	103.1
DOCTORAL INSTITUTIONS								
Professor	74,900	78,638	Professor	63,919	Level E	73,800	85.0	95.0
Associate Professor	55,538	56,088	Senior Lecturer (max)	48,086	Level C(max)	56,375	87.0	100.0
Assistant Professor	45,138	47,275	Senior Lecturer (min)	41,460	Level C(min)	48,688	92.0	103.0
Lecturer	36,388	39,763	Lecturer (min)	31,259	Level B(min)	39,463	86.0	99.0
Instructor	32,138	33,550	Senior Tutor (mid)	28,640	Level A(mid)	33,620	89.0	100.2
COMPREHENSIVE INSTITUTIONS								
Professor	62,138	65,225	Head of School	63,919	Level E	73,800	102.1	113.1
Associate Professor	49,066	51,736	Principal Lecturer (min)	50,228	Level D(min)	60,475	102.4	117.0
Assistant Professor	40,800	42,700	Senior Lecturer (min)	41,460	Level C(max)	48,688	101.7	114.0
Lecturer	32,863	33,650	Lecturer I (min)	31,259	Level B(min)	39,463	95.0	117.3
Instructor	31,563	32,475	Lecturer III (min)	27,138	Level A(S2)	30,340	86.0	93.0

(American data from National Education Association Almanacs of Higher Education).

Notes:

(a) US salaries in Australian dollars have been calculated using $A=0.75 $US
(b) Australian salary as at July 1989
(c) Australian salary as at September 1991

Some caution should be exercised in interpreting the table. The classification levels of American and Australian academics are not directly comparable, and the US salary figures do not include stipends, merit loadings and payment for summer semester work. These factors are to some extent offset given that the Australian salary figures exclude market loadings, responsibility allowances and payments for professional consulting work and do not include the second award restructuring rise due in July 1992. Marginson's study relied on comparisons only with US doctoral institutions (where salaries are higher than average) and (arguably) Table 5 gives a more accurate picture by encompassing all public and private US institutions, including comprehensive universities.

A SHORT REPLY TO TWO CRITICS

The preceding analysis demonstrates that academic unionism in Australia has provided substantial benefits for academic staff. These include:

- A significant increase in salaries following award restructuring, and additional superannuation provision.
- A national framework for negotiating improved promotion and tenure opportunities at local level, and a new amalgamated career structure. Implementation of the structure remains a matter for local negotiation.
- The creation of an independent link with the State apparatus which acts as a counterweight to the direct and indirect managerial links Vice-Chancellors had already developed with the State during the earlier periods of growth and contraction.
- The establishment of legally binding but diverse agreements at local or Statewide level guaranteeing minimum standards of annual leave, sick leave, appointment procedures, maximum workload ceilings, appeals processes and the like.

It is against this background that the radical deregulatory proposals of Professor David Penington and Dr David Kemp need to be assessed (Penington, 1991a, 1991b; Kemp, 1991). They have developed a model which draws on the New Zealand Employment Contracts Act and the deregulatory changes to the role of the New South Wales Industrial Commission. The legal monopoly on coverage of academics by unions would be removed and academics would choose whether to be represented by a union - in which case award regulation would apply - or whether to negotiate a voluntary individual or collective contract. These contracts could provide conditions of employment above standards set by union-sponsored industrial awards or conditions set below award standards.

On its face the proposal seems a reasonable attempt to provide individual choice and flexibility in employment conditions but closer examination reveals that the real intention of such changes is to fragment academic bargaining power and to ensure that future salaries and conditions are dictated by market and managerial priorities. The main arguments put by Dr Kemp and Professor Penington to justify flexible individual contracts, are first, that *the centralised industrial relations system supports ever increasing rigidity and national uniformity*, and second, that the *industrial relations system has eroded collegiality in staff relations*.

These arguments ignore the realities of the current award structures. So-called 'national uniformity' has diminished considerably since academics gained access to the Federal AIRC. Salary rates for academics are now *minimum rates*, not *paid rates* which gives employers the legal right to negotiate, on an individual basis, extra payments for academic staff (see page 66). It is therefore quite clear that the purpose of providing a 'voluntary' system of individual contracts as a substitute for award salaries is designed to enable employers to pay below the current award rates. The intention is to enable individual institutions the freedom to internally reallocate State funding for salaries according to fluctuations in supply and demand.

Moreover, it is simply nonsense to suggest that awards dealing with other conditions of employment have imposed 'rigid uniformity'. As is set out on page 66-7 these awards are highly variable and reflect the different histories and practices of particular states or institutions. The only other major award with national uniform application is the *Second Tier Award* which is punitive in character. This was imposed centrally on academic staff by the AHEIA, an organisation which has previously been led by Professor Penington. Apparently 'uniformity' is appropriate if it serves a managerial purpose but not if it serves a union purpose.

The earlier sections of this paper underline that the decline of collegiality pre-dates the emergence of academic unionism. Moreover, a closer look at Professor Penington's definition of collegiality illustrates that his version of it is simply an *elaborate assertion of managerial prerogative*. He asserts that collegial processes involve senior academics (Deans, Heads of Department) participating in decision-making on behalf of their Faculty or Departmental staff. This conveniently ignores the fact that Deans and Heads are increasingly appointed by central administration (not by faculty processes), and constitute less than 10% of the academic staff establishment in most institutions. The devolution of budgeting to a Faculty and departmental level has increased the managerial role of Deans and Heads and has actually strengthened central management authority. Deans and Heads when directly administering large pools of funds must be more accountable to the central management.

Developments in New Zealand indicate that the Penington/Kemp approach will penalise less organised sections of the academic labour force, erode minimum rates of pay, impact more heavily on junior academics and increase managerial authority (Street, 1991). Ironically, it would also further erode the *Idea* of the University by differentiating salaries and conditions according to market signals (particularly if allied to vouchers or market-based fees as principal sources of funding) which would value classics, philosophy, literature and the liberal arts less highly than more marketable vocational or professional disciplines.

Today we are moving towards a more decentralised industrial relations system. UACA, FAUSA and NSW Teachers Federation now represent around 65% of Australian academics (approximately 18,000 members) and are well placed to respond to a decentralised environment. The unions are strong, have wide membership support and a commitment to flexible negotiation but vigorous industrial tactics. Managers of institutions should understand that there is a difference between *decentralisation* (which retains the central role of unions as negotiating instruments at local, State and national level) and *deregulation* which will undermine unionism and erode standards. Embracing the Kemp/Penington philosophy will lead to confrontation in the academic workplace. But for institutions which recognise the role and substantial achievements of academic unions, the 1990s will provide an opportunity to negotiate more flexible and rewarding working conditions on campus. The raft of local enterprise awards negotiated by the academic unions in the late 1980s gives lie to any suggestion that academic unions are incapable of an enterprise focus.

But the unions insist that future agreements complement, rather than destroy, the minimum award standards UACA and FAUSA have so painstakingly built up.

ENDNOTE

1. In this paper the term State is used to denote either all forms of Government authority and structure or the regional level of Government in the Australian federal system, depending on the contents.

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