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**OUTSOURCING IN  
ELECTRICITY GENERATION  
AND UNION RESPONSES**

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**Abstract**

Australia has witnessed a rapid growth in outsourcing over the last decade with the public sector being the clear leader in these initiatives. Explanations of the rise of outsourcing tend to emphasise economic and human resources management factors and neglect the political dimension. Here it is argued that outsourcing forms part of a broader neo-liberal agenda which includes labour market deregulation and public sector reform. This can be seen clearly from the experience of the state of Victoria and in particular its electricity generation industry where a carefully implemented program of downsizing and outsourcing played upon existing divisions in the workforce eliciting a pragmatic, survival oriented response from the major unions involved in the outsourcing of the maintenance of coal mining and electricity generation plant.

## OUTSOURCING IN ELECTRICITY GENERATION AND UNION RESPONSES

### INTRODUCTION

While 'outsourcing' tends to be thought of as a private sector initiative often taken in conjunction with downsizing, in Australia outsourcing has been most commonly adopted in the public sector, particularly among the utilities. In the public sector during the 1990s the rise of outsourcing was typically associated with privatisation through contracting out and competitive tendering and was also a catalyst for the spread of non-standard employment (Industry Commission, 1996; Teicher & Van Gramberg, 1998). For the trade union movement the development of these patterns of work has proved a serious challenge.

Outsourcing typically involves an external agent providing a service to an organisation which was traditionally performed by the organisation itself. According to Ganz (1990: 24) it involves the 'the transfer of assets from a using organisation to a service vendor, where the vendor takes over responsibility for the outsourced activity under long-term contract'. The work may be performed outside the workplace by contracting to another organisation or within the workplace by staff contracted by the service supplier. Duration of employment may be fixed either for a specific project or for a specified time (Hartmann & Patrickson, 2000).

In this paper we explore union responses to outsourcing in the context of one major public utility, the State Electricity Commission of Victoria (SECV), where the outsourcing of what were ostensibly non-core functions was almost inseparable from the process of selling the major generation and distribution assets of the industry. Many former SECV employees were hired by the contractors nominally leaving the power industry but performing similar duties for a private employer on different wages and conditions. The central task of this paper is to explain the atypically pacific union response to these major changes.

The research on which the case study draws is part of a larger project on the industrial relations and labour process implications of Australian privatisations. Interviews with key informants among management (including former managers), union officials and delegates are the primary resource. These interviews were conducted over the period January 1998 to July 2000. This resource was supplemented with various public record documents including government reports and newspaper articles.

### OUTSOURCING IN AUSTRALIA

The spread of outsourcing has been inextricably linked to 'downsizing' in the sense of workforce reductions resulting from some form of 'strategic intention' (Littler; Dumford, Bramble & Hede, 1996). In Australia the spread of outsourcing occurred at the same time as a process of labour market de-regulation which lowered the locus of employment regulation from industrial tribunals to the workplace. This led to an increase in the types and varieties of contract-based employee relations (ACIRRT, 1999).

The uptake of outsourcing options has been rapid, though this has occurred off a relatively low base. Agency employment, defined as 'paid by a placement or employment agency while working at the workplace' (Australian Workplace Industrial Relations Survey, 1995: 408), more than doubled between 1990 and 1995 with the number of workplaces using agency staff increasing from 14 to 21 percent in the same period (AWIRS, 1995). Further analysis of this data revealed an annual growth of 7.5 percent per annum in the use of contractors and their employees compared to a 1.6 percent per annum growth in direct employment (Wooden, 1999; AWIRS, 1995). Hartmann & Patrickson (2000) reported that in 1998, 52 percent of Australia's top 500 companies used contract labour and a further 27 percent were planning to use it.

In the public sector the use of contracting out, particularly in Victoria, has been widespread (Industry Commission, 1996; Teicher & Van Gramberg 1998; Teicher & Van Gramberg, 2000), with utilities at the forefront of these changes. For example, AWIRS (1995) found that among 12 industry groups outsourcing was highest in public utilities (69 percent of respondent firms) and fifth highest in government administration (52 percent) leading Burgess and Macdonald (1999: 37) to observe 'that it is the public sector which is seen to be leading the way over a more cautious and conservative private sector'.

### **The Rationales for Outsourcing**

The underlying themes of cost reduction and increased flexibility have driven the outsourcing phenomenon (Hartmann & Patrickson, 2000). In the human resource management literature outsourcing is often portrayed as a means of enabling organisations to focus their resources on the core business while facilitating new forms of work for other business areas. By matching organisational resources more closely with customer or product demand organisations should reduce fixed labour costs and increase efficiency and competitiveness (Domberger, 1994; Zappala, 2000). The ability to change the structure of the workforce or work patterns has been described as a key to efficient and effective utilisation of human resources (Emmott & Hutchinson, 1998). Outsourcing also provides organisations with expertise not available in-house (Young, 2000).

Quiggin (1996) explained that the mainstream economic rationale is that outsourcing provides a means of transferring the significant or unpredictable risks associated with running a business, particularly financial risks, to contractors whilst still enabling the principal to retain control over the service. Alternatively this can be explained in terms of increased reliability, that is, reducing vulnerability to disruption including that caused by labour disputes (Perry, 1996). Outsourcing also enables organisations to transfer the responsibility for industrial relations to a third party thereby avoiding strong or militant unions and/or side-stepping provisions of agreements and arbitrated awards. Thus outsourcing may be used strategically by employers, particularly in cases where they "have not been able to implement numerical flexibility or casualisation, and have therefore chosen to contract in new groups of workers who are not covered by the usual protections" (ACIRRT, 1999: 142).

As will be clear the most common rationales for outsourcing focus on the organisation in isolation, neglecting the process of market liberalisation undertaken by Australian governments since the 1980s. Along with asset sales, contracting out was viewed as a mechanism for shrinking the public sector and eliminating budget deficits (Bell, 1997). For example, at the state level in Victoria, an efficiency-oriented rationale was ostensibly at the core of the radical agenda pursued by the Kennett Liberal-National Party government between 1992 and 1999. Here the Treasurer endorsed the system of compulsory competitive tendering (CCT) in local government as providing an injection of private sector best practice and superior performance; significantly reducing business risks; allowing organisations to focus on their core activities; and accessing technology and expertise (Stockdale, 1985: 27-28). Similar arguments were applied across the entire public sector including in public service departments and off budget entities. Such accounts obscure the underlying ideological dimension of public sector outsourcing as is demonstrated by the UK case where the Thatcher government exhibited a preoccupation with weakening trade unions and reducing the size of the public sector (Pollit, 1990; Heery & Abbott, 2000).

The need to undermine union organisation and individualise the employment relationship is both a theoretical proposition and an ideological cornerstone of neo-liberalism. At both the national and state levels, but particularly under the national *Workplace Relations Act* 1996 (Cth), the emphasis on individualising employment regulation supplemented by guarantees of 'freedom of association' has assisted in the rise of non-union 'collective' agreements and individual agreements. Additionally, the Liberal-National government elected in 1996 actively marketed its preferred form of individual agreement, the Australian Workplace Agreement (Burgess & Strachan, 1999). Thus, outsourcing and other forms of non-standard work has been facilitated by governments through legislation and by example in their own workforces (Teicher, 1998).

## **Implications of Outsourcing for Employees**

One consequence arising from the rapid uptake of outsourcing is the continuing contraction of award coverage and an associated reduction in the proportion of the workforce covered by the safety net of minimum wages and conditions prescribed by arbitral tribunals. Award coverage has fallen from around 85 percent in 1985 to an estimated 70 percent in 1999 (Ross, 1999). The likely continuing decline in award coverage means that a large proportion of the workforce will lack protections such as minimum wages and hours of work (ACIRRT, 1999; Burgess & Strachan, 1999). Such changes may also result in a re-contractualising of the public sector employment model enabling the employment relationship to be ended at short notice with limited termination compensation and little justification (Robinson 1996). Given that workers affected by these changes are unlikely to be union members, few will have access to the generally superior negotiated benefits applying to unionised sectors.

This shift in power in the employment relationship provides management with the opportunity to further reduce costs through the reduction of terms and conditions and the increased use of part time and flexible patterns of work. Certainly, in the Australian public sector, there is general agreement that outsourcing through CCT led to the erosion of wages and conditions of employment. Various studies (e.g. Paddon, 1999; Walsh & O'Flynn, 1999) argue that the main ways of achieving savings were through lowering wage rates, increasing the spread of ordinary weekly working hours, reducing or removing penalty rates and allowances and cutting training opportunities. For those on fixed-term contracts, casual or part-time work, the lack of entitlements, job insecurity and increased stress, go hand-in-hand with the almost non-existent career prospects (Emmott & Hutchinson, 1998; Teicher & Van Gramberg, 2000). Further, savings to organisations through outsourcing services were found to arise through cost shifting and work intensification (e.g. Milne & McGee, 1992; Quiggin, 1996).

Much research and debate has surrounded the development of these work practices as part of an integrated management strategy in the use of internal and external labour markets (e.g. Procter, Rowlinson, McArdle, Hassard & Forrester, 1994). However, there has been less attention paid to role and influence of unions in outsourcing process. The progressive deregulation of the Australian labour market, decline in union membership and increased job insecurity has apparently directed unions toward a more conciliatory stance (Hartmann & Patrickson, 2000).

## **UNIONS AND OUTSOURCING**

Although there have been various attempts to analyse union strategy, there has been little attempt to examine the specific issue of union response to outsourcing. Foster & Scott (1998) identified three types of union response to contracting out: defiance (either through industrial action or non-involvement); incorporation; and external appeal, primarily by legal challenge. Each of these strategies and responses have been utilised in varying degrees by Australian unions.

Union action through defiance has often been the starting point for union response to contracting out. By responding adversarially unions can find themselves at odds with workers' wishes to pursue 'work-site unionism' and risk retaliation from employers and recalcitrance from union members already concerned with job insecurity (Heery & Abbott, 2000). Indeed, in Victorian local government the Australian Services Union (ASU) had difficulty mustering membership support for industrial action. One official reported that it was impossible to conduct a meaningful dialogue with members about 'the good fight against CCT' while their primary interest was in the terms of their redundancy (Teicher & Van Gramberg, 2000).

Incorporation, or accommodation is associated with a pragmatic union response which places survival ahead of a policy of opposition to outsourcing. Incorporation has been defined as a 'progressive social partnership' where compromise is seen as the best (defensive) strategy for a union movement characterised by declining membership in a hostile environment (McIllroy, 1988). Such a partnership was implemented by the ASU in Victorian local government. Initially unions applied themselves to negotiating pattern-

bargaining style agreements with councils designed to deliver a consistent approach to redundancy and redeployment situations. Importantly, it demonstrated that the ASU was not opposed to competitive tendering per se. Whilst this led to dissatisfaction among some members, it ensured that the union was not excluded from the decision-making process on a range of issues including the framework for in-house bids (Teicher & Van Gramberg, 2000). The issue of membership dissatisfaction arising from contracting out was examined by Burgess & Macdonald (1999, 48) who reported that the once active workplace unionism of New South Wales (NSW) power stations has diminished with very few delegates now at workplace level and most union-management interaction conducted at corporate level. They concluded that 'less active unionism means less opposition to contracting out which in turn leads to a lower proportion of the workforce unionised'. Clearly, pragmatic compliance is not necessarily an effective strategy as members are often lost through the process of outsourcing and those remaining are less inclined to retain union membership.

The third union response is the adoption of legal means to protect workers' wages and working conditions. As contractors can gain a competitive advantage by eroding wages and conditions of employment, unions have utilised various means to preserve the status quo. Unions in the UK have had some success in utilising the 1981 Transfer of Undertaking Protection of Employment (TUPE) regulations. In Australia both public and private sector unions have recently succeeded in using the transmission of business provisions of the federal *Workplace Relations Act* to prevent reductions in wages and conditions through outsourcing (Van Gramberg, Teicher & Griffin, 2000). In the landmark case, *Northwestern Health Care Network v. Health Services Union of Australia* (FCA 897, 2 July 1999), the Federal Court found that former public sector home-care workers were entitled to retain their terms and conditions of work upon transfer to a private contractor. More generally, however, it is clear from the research that erosion of wages and conditions continues to be a feature of contracting out.

Whilst there is a literature documenting the rise of outsourcing in Australia and the reasons for its rapid growth, few studies have focused on the role of unions. The interface between management outsourcing strategies and union responses and their efforts to adopt a proactive role in the workplace is the principal focus of the case study of electricity generation below.

## **ELECTRICITY GENERATION: DOWNSIZING, OUTSOURCING AND UNION RESPONSES**

In Victoria, the second most populous state in the federation, a vertically integrated and government owned organization, the State Electricity Commission of Victoria (SECV) was established in 1918 to provide for the needs of industry and domestic consumers. From the outset electricity generation centred on the Latrobe Valley about 150 kilometres from the state capital. Major expansion of the industry did not begin until the 1960s with the construction of the Hazelwood power station. This was followed by the construction of the Yallourn W and the Loy Yang A and B power stations. By 1989 the generation sector employed 9,644 workers but following successive rounds of downsizing and outsourcing, the workforce fell to 2,978 in 1994.

With power generation being sited close to cheap brown coal reserves, Victoria should have enjoyed a competitive advantage over other states. Arguably, the economics of Victorian electricity generation reflected the SECV's history of concessions on staffing and work practices which made it uncompetitive compared to suppliers in other states (Management interviews 1998; 1999; 2000; Union interviews 1999; 2000). While labour costs were clearly an issue, so were poor capital investment decisions, over-capitalisation of assets and low levels of plant availability. The crucial event here was the decision to commence construction of a major new generating facility at Loy Yang in 1977 and the postponing of construction when it became clear that consumer demand had been over-estimated (Management interview 2000). Because of the poor timing of this decision the SECV was faced with high levels of debt (\$8.5 bil.) and a lower than anticipated debt servicing capacity to which was added a state Labor government which was increasingly sensitive to allegations of financial mismanagement. The SECV's problems were compounded by the fact that NSW and Queensland had undergone extensive restructuring, including

reducing staff levels which placed Victoria at a significant cost disadvantage. In the circumstances distancing through outsourcing was a logical step to take, even for a Labor government.

### **Workforce and Unions**

In the 1980s this workforce numbered 21,000 and was organised into 25 unions until a major re-structuring of the union movement under the auspices of the national union confederation, the Australian Council of Trade Unions (ACTU), in the early 1990s. Most unions were occupationally based with the largest being the Amalgamated Metals, Foundry and Shipwrights Union (AMFSU), Australian Workers Union (AWU), Federated Engine Drivers and Firemen's Association (FEDFA), Electrical Trades Union (ETU) Association of Professional Engineers of Australia (APEA) and Municipal Officers Association (MOA). The smaller unions covered only a small proportion of the workforce. Following restructuring some unions left the industry and others merged leaving the SECV with eight unions. After a series of mergers the MOA became the Australian Services Union (ASU), FEDFA merged to become part of the Construction, Forestry, Minerals and Energy Union (CFMEU), the ETU became a division of the Communications, Electrical, Electronics and Postal Union (CEPU) and the APEA absorbed several smaller unions to become the Association of Professional Engineers, Managers and Scientists of Australia (APESMA). The AMFSU went through a series of mergers finally emerging as the Australian Manufacturing Workers Union (AMWU).

The power industry unions have a longstanding reputation for militancy having conducted a series of industrial campaigns in the 1960s and 1970s which sought improved wages and conditions. Various reasons have been advanced to explain this phenomenon; these include the dominance of a single industry in a relatively isolated community, that the SECV was the monopoly generator and distributor of power in Victoria until recently and the government's predictable pre-occupation with achieving continuity of supply. The dominant position of the power industry within the region operated to foster solidarity despite underlying differences between the unions. As a result of state ownership, in 1992 public sector employment in the region was 46.5 percent compared to 29.9 percent nationally (Pullin et. al., 2000). The monopoly supply position of the SECV both assured workers of their industrial power and enabled the employer to engage in cost plus pricing. Finally, the government's preoccupation with continuity of supply meant that political contingency would overwhelm any predisposition of the SECV to engage in sustained resistance and led to the entrenchment of inefficient working practices and high manning levels (Benson, Hince & Griffin, 1983).

### **Downsizing and Outsourcing**

The problems outlined above led the SECV to reduce costs firstly by cutting the workforce and then outsourcing various functions. The process of workforce reductions commenced in 1989 with the adoption of a target of 10 percent over two years and a call for voluntary redundancies in areas where senior management believed losses could be sustained without any adverse impact. Accordingly, a Voluntary Departure Package (VDP) of 2 weeks pay for each year of service, pro rata long service leave of 13 weeks salary per year of service and a retrenchment benefit consisting of the employer and employee contributions from the superannuation fund was provided. The package proved more popular than expected with the target being met within a month (Ruschena, 1999).

Following the appointment of a new chief executive officer in 1990 the SECV conducted a joint review of non-core functions, the Activities Review, which provided clear evidence that areas such as transport and the mechanical and electrical workshops were not commercially viable (Management interviews, 2000). The process of outsourcing began with the sale of the transport fleet and associated functions. The unions affected by this announcement, the MOA Storemen and Packers Union and the Transport Workers Union organised protest rallies and work bans in late November 1990 but this did not prevent a contract being signed with a major transport and logistics firm, Linfox. Amidst continuing industrial action SECV management wrote to the workers offering three options: redeployment, accept a VDP and leave the industry, or acceptance of employment with Linfox. The latter option included a signing-on benefit of one

week's wages and a VDP. Disputation continued into January 1991 with hearings in the Australian Industrial Relations Commission (AIRC) and applications for injunctions against the industrial action. Ultimately, the SECV reached agreement with the TWU, the major union and the protest campaign waned.

The significance of this first major outsourcing was that management established a process which they used in successive outsourcing activities. This involved an initial focus on securing advance acceptance of outsourcing by the main union and then direct communication with the employees who would be most affected explaining the reasons for the change and the options and consequences for them (SECV internal document cited in Ruschena 1999).

Having outsourced the transport fleet, the SECV sold the electrical workshops to Siemens in October 1991. There was little opposition from the employees, though the ETU attempted to rally community and union support to oppose the sale. Another outcome of the Activities Review was that the transport workshops were benchmarked against their private sector competitors and services could only be charged out at commercial rates leading to massive losses. A major problem which the shop stewards came to appreciate was that entrenched demarcations and inter-union rivalries precluded the introduction of efficient working practices making closure or outsourcing inevitable (Management and union interviews, 2000). Once the workforce was conditioned to the inevitability of outsourcing, management sought expressions of interest on the basis that the unions would be involved in the outsourcing process and the workers would not be disadvantaged. This continued a longstanding pattern of management involving the unions in major change initiatives.

The next outsourcing project was power station and mine maintenance; arguably core business activities. The first attempt was in April 1992 when the SECV attempted to use contractors for specified works. There was a long history of resistance by the metals unions to outsourcing in any form with 'even the suggestion of outsourcing' giving rise to strike action (Management interview, 2000). On this occasion strike action forestalled outsourcing and prompted the formation of a joint Maintenance Review Task Force charged with achieving significant performance improvements in a co-operative environment. This process was not successful with the delegates making undertakings that were 'not delivered on the shop floor' and by the end of 1992 it was clear to management that improvements would be marginal at best.

The decision to outsource maintenance appears to have been taken with the cognisance only of the then newly elected Kennett Liberal-National government. Problems of inefficient work practices and lack of competitiveness were the publicly cited reasons for the decision. Again, in order to overcome worker resistance to outsourcing an intensive communication program was again launched across the Latrobe Valley workforce. Perhaps surprisingly in view of the election of a government with a declared policy of hostility to unions, SECV management continued to involve the unions in the outsourcing process. Formally at least the unions persisted with their opposition, though this was undercut by a decision of a mass meeting of members in 1993 which directed the officials to negotiate the 'best possible deal from the prospective contractors' (Union interview, 2000). Following the process at the transport workshops, the SECV provided a list of preferred contractors with whom the unions would attempt to negotiate an agreement.

While unions had a role in the selection of contractors, the basic parameters of the outsourcing process were determined unilaterally. By this stage each power station had been established as a separate business in readiness for privatisation with its own workforce which included clerical, operations and maintenance workers. This allowed separate tenders to be called for each station and mine in order to create a competitive market for maintenance services. Contracts were to be of variable duration (from 18-24 months in the first instance) in order to minimise the potential for unions to negotiate uniform wages and conditions across employers. In addition, a small in-house maintenance workforce was retained at most sites, largely in order to provide some insulation against industrial disputes in the contracting industry (Management interview, 2000). As with previous outsourcing projects, workers were given the options of redeployment, voluntary redundancy or transfer to the contractor. The latter option also entailed receipt of a VDP.

Importantly though, job security with the SECV was exchanged for an employment guarantee limited to the life of the contract.

With the transition of the maintenance workforce to contracting firms, the unions led by the AMWU established enterprise agreements which, were underpinned by the predominantly private sector *Metal Trades Award* and provided similar levels of remuneration to that previously received under SECV awards and agreements. For example, in the first of the power station agreement at Loy Yang B, differences in conditions such as longer working hours (up from 37.5 to 38) were offset by increased wages (\$50 per week) (Union interview, 2000). At the time it appears that many employees did not fully grasp that they had traded job security for lucrative VDPs and similar total remuneration.

### **Analysis of Union Response to Outsourcing and Implications**

The paradox of outsourcing, particularly in the maintenance, areas was that opposition by unions was neither fierce nor sustained. On closer examination it is evident that lack of solidarity among the unions and careful planning by management ensured that pragmatic compliance was the response of the key unions. Further, having chosen this option, it appears likely to exert a continuing influence on the capability of the unions to protect wages and conditions of members in the contracting industry and perhaps more widely in the power industry.

In understanding the union response to outsourcing three factors are central. Firstly, the outsourcing of transport produced a severe union reaction led by the Victorian Trades Hall Council, but ultimately the asset sale and outsourcing proceeded, largely due to the attractiveness of the redundancy packages and effective communication with the workforce. This set the pattern for subsequent outsourcing activities. Secondly, the SECV had reached an agreement with the AMWU, the key and historically most militant maintenance union. As a former manager explained: 'There was a deal done with the AMWU to make them the sole union in the maintenance industry, probably to the detriment of the AWU and the ETU following and picking up the scraps'. Thirdly, there was a sophisticated process used to reduce workforce numbers and overcome resistance to outsourcing. Some accounts suggest that management waged a war of psychological attrition principally against white collar workers in which individuals were placed in the 'vegie patch', removed from their previous duties and denied meaningful work. This was compounded by threats that if the hapless employees did not accept VDPs they would be retrenched compulsorily (Management and union interviews 1998; 1999) Management were also said to have adopted a 'floodgate strategy' consisting of a combination of periodic pauses in the offering of VDPs and deliberately created rumours that the packages were to cease in order to create a clamour of resignations (Union interview, 2000). At one power station, Yallourn W, half the dredger drivers resigned on one day alone leaving a serious skills gap (Management interview, 1998). The attractions of a large redundancy package at concessional taxation rates and the prospects of continuing employment had to be weighed against the alternative of remaining with the corporatised employer and having little prospect of meaningful work. Almost all our informants on both sides stressed that the offer of voluntary redundancy was tinged with threats, either that the offer was finite or would be replaced by compulsion.

As in Victorian local government, in the final analysis the workers were mainly interested in the effect of contracting out on employment and the terms of the redundancy packages being offered:

and the bottom line was that all those that wanted to work could cross from the SECV to a private employer plus getting a fairly large chunk of money. The pocket actually dictated the outcomes (Union interview, 2000).

Given the history of outsourcing it was too late for the union officials to mount an effective campaign of opposition.

Clearly the main factor in explaining the unions' lack of efficacy in the face of a determined management lay with the level of internal divisions. This was part of an historical pattern in which the SECV made

alliances with particular unions when there was a coincidence of objectives and the opportunity to exploit inter-union divisions. Significantly, these divisions were intensified in the context of the implementation of the ACTU policy of union rationalisation and the instability generated by the process of outsourcing and privatisation in the electricity industry.

While there were numerous internal disputes over the years, two serve to illustrate the point. Firstly, in 1997 the maintenance workers led by local AMWU shop stewards struck for 11 weeks with their major claim being the restoration of an historical wage relativity for power station workers vis-à-vis the metals industry. Lacking the support of the operators' unions, the maintenance workers eventually capitulated and submitted their claims to arbitration. The aftermath of the dispute was a lingering hostility between the maintenance workers and the rest of the power station workforce, particularly as the operators had continued normal work throughout the dispute and assisted managers and apprentices to repair equipment (Management and union interviews 1999; 2000).

A second instance involved the power station operators. A group of operators, mainly at the Hazelwood power station, defected from the precursor of the ASU to the Australian Institute of Marine and Power Engineers (AIMPE) which formed a Latrobe Valley sub-branch and gave the operators substantial autonomy. The AIMPE recruited actively among the operators and the unit attendants, the latter mostly belonging to what is now the CFMEU. There was ongoing hostility between the two groups of unions and periodically this was intensified by the AIMPE making leading edge claims for its limited constituency. These tensions came to a head in 1980 when the AIMPE launched a preemptive log of claims on behalf of the operators which highlighted the ASU's reluctance to advance claims for the shift workers in isolation from their broader white collar membership (Teicher 1984).

Divisions between the unions were fanned by the ACTU policy of rationalising union coverage in order to create 20 'super unions' (ACTU, 1987). This process required unions to be designated as 'principal', 'significant' and 'other' with the former being able to recruit outside their traditional boundaries and across an industry provided they had constitutional coverage and secured ACTU approval (ACTU 1993). Significant unions were largely confined to recruiting within their traditional boundaries while other unions were intended to retain a presence in the industry only if requested by existing members (ACTU, 1993). In the union movement generally this process absorbed considerable resources as unions courted and negotiated with various potential merger partners. In the electricity industry struggles in the workplace were complemented by legal battles over jurisdiction in the AIRC.

Prior to the union amalgamation process there were 23 unions in the SECV. In the electricity industry the ASU was accorded principal union status with the AMWU, CFMEU, and CEPU being significant and the remaining unions were expected to depart the industry over time. In 1989 when the state government sold a majority holding in the incomplete Loy Yang B power station to Edison Mission Energy, the ASU negotiated a single union agreement with the new owners. With the support of the ACTU it argued that principal union status entitled it to exclusive coverage of greenfield sites. The exclusion of other unions, particularly the AMWU and CFMEU, was met with costly and time consuming legal challenges and is a source of continuing resentment. For example, when the ASU and Edison Mission Energy attempted to have their agreement certified by the AIRC, the AMWU successfully challenged this on a technicality. The CFMEU responded to the challenge by successfully renewing its efforts to recruit among the operators aided by the fact that it had recruited most of the AIMPE members when that union left the industry (Union interview, 1998).

In view of the level of division, it was not surprising that the AMWU took the opportunity to preserve its membership and role in power generation through a strategy of pragmatic compliance. The alternative would have been the gradual absorption of its members by other unions such as the ASU. But the AMWU response was to have two major consequences for ongoing workforce unity in electricity generation. Firstly, in large measure outsourcing institutionalised longstanding divisions between the operators and the maintenance workforce which were discussed above. Secondly, the form of outsourcing adopted for maintenance produced deep divisions in the former SECV maintenance workforce.

The second and perhaps more profound division is that within the contractor workforce. The origins of this division lay in the labour utilisation strategies of the contractors who, unlike the former SECV, did not staff for peaks. Instead they created a core workforce with employment for the life of the contract and a peripheral workforce of casuals who were utilised on a needs basis such as for major outages. The divisions between these groups became patent as the first round of maintenance contracts came to an end and the contractors resumed workforce downsizing. This process re-commenced at Hazelwood power station in late 1994 where the employer dismissed 27 employees including all the shop stewards. The unions responded by calling a meeting of the industry maintenance workforce and recommending retaliatory industrial action against all the contractors. After a heated debate this recommendation was narrowly defeated with the votes of the casual workers proving decisive. At the time, a large overhaul was about to commence and industrial action would have led to postponement of that work to the detriment of the casuals. According to a longstanding union official (2000):

from that day on we lost because we lost the ability to campaign as a group Once Transfield had been left high and dry they would not help out workers at other contractors.

Thus a situation has been reached where for the foreseeable future the maintenance workers have ceased to be a united force in power generation, yet it is not clear that they have become integrated into the industrial relations of the broader contracting industry.

## CONCLUSION

In an environment where the political and legislative framework has become increasingly hostile to unions, governments at both federal and state levels evinced their neo-liberal ideology by embracing the individualisation of the employment relationship, outsourcing and privatisation. Under such conditions it is not surprising that unions have found the battle against outsourcing difficult. What is surprising is that traditionally strong, militant unions such as the AMWU and CEPU in the Victorian power industry were apparently incorporated into management's restructuring agenda.

This study of the union responses to outsourcing in electricity generation demonstrates that the key unions adopted a pragmatic, compliant approach. They did not oppose outsourcing but rather engaged in negotiations which allowed them to continue to be regarded as key players in the industry generally or in particular segments. Such a response needs to be seen in the context firstly, of a well planned and consistently implemented management strategy which compelled outsourcing through extensive consultation with workers and unions and the offer of attractive redundancy packages. Secondly, this is a complex, multi-union environment with a long history of inter-union rivalry and division. For years agreement could not be reached either among themselves or with the SECV on efficient and effective work practices which may have circumvented the need for outsourcing. When outsourcing became an imperative for management, continuing inter-union divisions meant that a united position on contracting out was beyond the reach of the power unions. Finally, particularly in maintenance, staffing levels continued to decline over the 1990s posing a threat to the unions' membership base, bargaining power and relevance in the industry.

By adopting a pragmatic approach towards outsourcing, the power unions have demonstrated that strong, militant, traditional blue-collar unions are willing to accept market-driven efficiency strategies, including downsizing and contracting out in order to retain a role, albeit a redefined one. The only question remaining, is, for how long?

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