

THE CHANGING ROLES OF PUBLIC SECTOR UNIONISM

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This article outlines changes in the character of Australian federal public service unions, from in-house staff associations to constituents of the broader union movement. The extent to which the strategies adopted by the union that covers most Australian federal public servants, the CPSU, are part of the agenda for change in the broader union movement or a reaction to changes in public sector administration is investigated. We conclude that although the changes have been in step with the broader union movement, the constant trigger has been government policy. Most significantly, New Public Management policies have imposed particular pressures to the point that the CPSU is now struggling for survival. The impact of the union renewal strategy, and the adoption of the organising model to underpin this strategy, remains uncertain.

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INTRODUCTION

Public services in many liberal democracies have been traditionally delivered in accordance with Weberian principles of efficiency gained through bureaucracy (Hughes, 1998). Generally, employee relations have reflected the bureaucratic model with, for example, wages and conditions of work centrally determined and rigid procedures for recruitment and advancement used to protect the principles of merit, equity and tenure. In recent years this style of public sector management has been criticised as rigid, slow and unresponsive in the provisions of services to the public (Hood, 1991; Osborne and Gaebler, 1992). It has been rejected by governments in both developed and developing economies in favour of what is now commonly called New Public Management (NPM) (Hughes, 1998; OECD/PUMA, 1994, 1996; World Bank, 1997).

NPM has been described as the transformation of the culture of the public service to an entrepreneurial and performance-focused vision, in which the size and reach of the public sector is reduced and what remains operates within commercial frameworks. The theoretical underpinnings of NPM lie in economic theories, such as public choice and agency theory, in which greater reliance on market forces, a reduced role for government and greater use of contractual arrangements are viewed as producing better economic and societal outcomes (Hughes, 1998). In keeping with this vision, the public sector in Australia has experienced immense change during the last two decades, attempting to transform from large bureaucratic administrations to entrepreneurial and commercial units following private-sector business principles. Parallel to and linked with this managerial development has been the transformation of public sector unions. Once perceived as staff associations, separate and distinct from blue-collar trade unionism and closely aligned with management, public sector unions are now very much part of the broader union movement.

This paper outlines changes in the character of public sector unions and investigates the extent to which the changes are part of the agenda for change in the broader union movement or the extent to which they are a reaction to changes in government policy and public sector administration. It commences with an outline of recent changes and developments in the Australian public sector. Next the changing role of Australian public sector unions is examined, focussing primarily on unions with coverage of the core federal public service. The discussion draws on a range of publications and primary sources, including union archives, publications and interviews with public sector union officials. During 2001 and 2002, interviews were conducted with eight union officials active during the 1970s and 1980s in the two major predecessor unions of the Community and Public Sector Union (CPSU), the dominant federal public sector union, and with sixteen current activists, staff and officials of the CPSU.

CHANGE IN THE PUBLIC SECTOR

The Federal Public Service

The genesis of the reform in the Australian federal public service can be traced to the 1970s. After a period of expansion under the Whitlam Labor government (1972-1975) and in the context of worldwide economic pressures resulting from the oil-price shocks of the time, the size and cost of the public service faced increasing public scrutiny. The federal government established a Royal Commission on Public Administration and its report to the subsequent Fraser Liberal-National Country Party government recommended a radical recasting of the public service by devolving responsibilities to departments (RCAGA, 1976). The first major attempt to legislate for some

aspects of the recommended reforms occurred in 1984 when the Hawke Labor Government enacted the *Public Service Reform Act*. This legislation streamlined employment procedures and started the process of devolving managerial responsibilities to departments. The Office of the Public Service Arbitrator was abolished and its functions became part of the then Australian Conciliation and Arbitration Commission (ACAC), so that public sector industrial disputes were able to be dealt with through the same processes, and in the same forum, as the private sector (Halligan, 1988). Simms (1987) attributed this change partly to the commitment of the then Prime Minister, Bob Hawke, a former president of the Australian Council of Trade Unions (ACTU), to bring public sector unions into the mainstream union movement. Key public sector unions supported this change, according to a number of interviewees, because the Public Sector Arbitrator was generally regarded as an arm of management.

Throughout the remainder of the 1980s and 1990s, public sector reform continued to follow private sector principles, with greater decision making devolved to departmental levels and market-based principles applied to public services, which were subjected to contracting-out or privatisation (Anderson, Griffin and Teicher, 2002; Fairbrother, 1997; Fairbrother, Svensen and Teicher, 1997; O'Brien and Fairbrother, 2000; OECD, 1998; Teicher, 1998). The implications for public sector employee relations were considerable. As decision making was devolved, scope for greater flexibility in employment arrangements within and across public service agencies emerged. Conditions of work were now established through locally determined collective or individual agreements rather than a regulated standard set of conditions across the public sector. Streamlining and devolution of personnel procedures were viewed as efficient but, in the process, merit and equity provisions may have been compromised (Anderson et al., 2002; O'Brien, 1997; O'Brien and Hort, 1998; O'Donnell and O'Brien, 1999; Van Gramberg and Teicher, 2000).

The culture underlying work organisation became one of measuring performance outcomes and testing services against the private sector, a process termed market-testing. The focus was, therefore, on ensuring that work was performed in the most cost-efficient way, which may well result in the service being contracted-out (Bartos, 2000; DOFA, 1995, 1996, 1998a). Many traditional public services were placed in the private sector resulting in reduced employment levels in the public sector and, potentially, reduced conditions of work for staff transferred to the private sector. Those services that remained in the public service continued to compete under the constant threat of possible loss to the private sector, increasing pressure on conditions and workloads of staff (Barton and Teicher, 1999; Fairbrother and Macdonald, 2000; Fairbrother, Paddon and Teicher, 2002a; Fairbrother *et al.*, 1997; Svensen and Teicher, 1998; Van Gramberg and Teicher, 1999).

Along with the move to market-based and contractual arrangements, Labor governments have sought to actively engage with public sector unions. For example, trade union representatives were included on the Public Service Management Advisory Board and departments were required to establish joint union/management committees (Dickenson, 1988; McCallum, 1984; PSB, 1987). This was an important distinguishing factor of the pre-1996 industrial regime and had immense implications for public sector union strategy and effectiveness.

In 1996 the *Workplace Relations Act* (WRA) was legislated by the incoming Liberal-National government. This radical legislation aimed, among other things, to diminish the role of centralised awards and enhance the role of non-union and individual agreements. Under its freedom of association provisions, union access to workplaces was curtailed, payment of wages during industrial activity forbidden and access to common law remedies over industrial matters facilitated. These reforms applied throughout the economy, including the public sector. In addition to altering the general industrial framework, the new government sought to change the culture of employment practices in the federal public sector by explicitly promoting individualisation of the employment

relationship, enhancing managerial authority and expanding performance-based pay (O'Brien and O'Donnell, 1999; Tham, 1998; Weeks, 1999). Agencies were not permitted to provide unions with facilities, nor allow access to workplaces except within the strict limits of the provisions of the WRA. Agencies were, however, encouraged to engage in negotiation directly with staff, and indeed consultative and participative arrangements were required to be made with staff, not unions (DEWRSB, 1999, 2000a, 2000b; DOFA, 1998b; PSMPC, 1998, 2000). Complementary to these federal developments, at the state level governments introduced similar public sector reforms. In particular, privatisation of public services was extensive at the state level (Bailey, Berger, Horstman and Fells, 2000; Barrett and Backwell, 1998; Fairbrother, Paddon and Teicher, 2002b; Hall, 1998; Hollander, 2000; O'Donnell, 2000; O'Neill, 2000; Provis and Strickland, 2000; Teicher, Testi and MacArthur, 1999; Teicher and Van Gramberg, 1998).

All of these changes created enormous challenges for public sector unions. As jobs left the public sector, union membership levels and income dropped. For staff remaining in the individualised and market-focussed public service, union membership may become less relevant. Within the framework of excluding unions from the workplace and easier access to common law solutions for industrial activity, union effectiveness is likely to diminish. The next section of this paper provides an overview of the changing role of Australian public sector unions.

THE CHANGING ROLE OF FEDERAL PUBLIC SERVICE UNIONS

The public sector comprises all entities majority owned by federal, state or local governments. Government departments and agencies, parliamentary services, statutory authorities, the court system, government enterprises, education and health facilities, sport and recreational facilities, and transport systems all come under the purview of the public sector, although the boundaries have significantly changed over the last fifteen years. The extensive reach of the public sector has meant that most Australian trade unions have had coverage of pockets of work in the public sector (for example, the Media, Entertainment and Arts Alliance covers media relations staff in most federal agencies) and many unions have extensive coverage in both the private and public sector (for example, the Australian Services Union covers local government and private sector services). Many unions that once were public sector organisations are now partly or wholly private sector as a result of privatising government enterprises (for example, the Commonwealth Bank Officers Association is now part of the Finance Sector Union). There are unions that cover particular aspects of public sector work, for example health industry unions, education unions and police unions, but do not have coverage in the core public service.

The overview presented in this article is limited to unions with coverage in core federal public service departments covered by the *Public Service Act 1999* and its antecedents. But even this limit includes an extensive array of unions. In 1973 the Public Service Board had dealings with in excess of 70 unions (Spann, 1973). This section only deals with those unions with primary coverage in the federal public service, such as the Australian Public Service Association (APSA), which covered Fourth Division officers in the public service (typists, keyboard operators, clerical assistants), and the Administrative and Clerical Officers Association (ACOA) which covered First, Second and Third Division officers, and their predecessor associations, through to their eventual amalgamation in 1989 to form what was to become ultimately the Community and Public Sector Union (CPSU). We commence with a brief historical overview.

Early Public Sector Staff Associations

Spann (1973) suggested that government employee associations led the way in unionising white collar workers. In the nineteenth century staff associations covered administrators, postal workers

and teachers in most colonies. Formal recognition of public sector unions was achieved soon after federation, with the Commonwealth Public Service Commissioner granting recognition to three staff associations in 1904. These early staff associations have been described as complicit with management, relying on the goodwill of the government for recognition and pay adjustments, not willing to undertake industrial campaigns, and relying on discussion to resolve difficulties (Juddery, 1980). Traditionally, relations between association officials and government employers were close, with ease of transition from association positions to senior public service positions, reflecting a form of 'enterprise unionism'.

Union officials interviewed emphasised that these early staff associations could not be construed as 'bosses unions', but, to the contrary, possessed a strong independent professional identity with solid membership and industrial strength in which outcomes were achieved through processes internal to the public sector. Their relevance to employees is demonstrated by the steady increase in their membership, from a combined total of 165,172 members in 1949 to 435,600 in 1971 (Hagan, 1981).

These early staff associations were generally opposed to links with other organisations, such as the Australian Labor Party, that might indicate political bias. They preferred lobbying governments to political alignment. They differentiated themselves from the mainstream, blue collar, union movement by not affiliating with the ACTU. In 1921 they had formed their own loosely co-ordinated body, the High Council of Commonwealth Public Service Organisations (CCPSO), to represent their concerns. Its main strategy was to make representations and argue for change (Juddery, 1980). It was not until 1969 that this coordinating body employed a full time secretariat and was reconstructed to become a peak body with a research capacity and a means to liaise with other bodies such as the ACTU. In 1975 it became known as the Council of Australian Government Employees Organisation (CAGEO).

There is some evidence of industrial conflict in the core public service in the first six decades of the last century but, in the main, the industrial climate was not confrontational, particularly after the Second World War. Union officials interviewed suggested that although industrial action was not often used, the industrial strategies that were utilised, such as lobbying and making representations, were effective and reflected the character of the members. Furthermore, outside 'professionals' were not employed until the 1970s, in the case of both ACOA and APSA, and as late as the 1990s in the Commonwealth Scientific and Industrial Research Organisation (CSIRO) staff association.

Public service staff associations can be contrasted with unions with coverage in the broader public sector, such as the New South Wales Teachers Federation which conducted political campaigns around educational issues and obtained representation on numerous government committees in this period (O'Brien, 1987), and with unions covering manual workers in the public service, such as postal workers which have had a long history of industrial activity and radical leadership (Waters and Murphy, 1978).

In the 1960s core public service unions began to engage in intermittent industrial activity, such as stoppages in response to rigid wage fixation principles (Juddery, 1980). Hagan (1981) suggested that perceptions of wage injustice led to the formation of allegiances between CAGEO's predecessor, the CCPSO, and the ACTU, the joint co-ordination of wage-claims and the breaking-down of the historic suspicion of each other. Thus, during the 1960s, staff associations started the process of engaging in more traditional union methods of industrial activity and began to form links with the broader union movement.

The 1970s: Emerging Militancy

The early 1970s was a period of massive growth in the public sector. It was also a period in which the then federal government used the public service as a pacesetter to improve conditions of work, introducing measures such as equal pay for women, flextime, four weeks annual leave and a 17.5 percent annual leave loading (PSMPC, 2001). According to the interviewees, the actions of the government at the time, particularly its policy of providing one extra week annual leave to union members only, were directly responsible for 'exponential' increases in public sector union membership. Between 1970 and 1974 ACOA membership increased by 53 percent and APSA membership by a massive 217 percent; in contrast, the size of the Commonwealth public sector increased by only 13 percent (Juddery, 1980). Although four weeks annual leave was ultimately extended to all public servants, instead of just union members, there was not a subsequent mass exodus from the unions. In the decade to 1977 ACOA membership nearly doubled from 25,482 to 47,691 (Juddery, 1980). According to one interviewee, 'a lot of people just needed some impetus to join' (interview 9 July 2002).

However, the industrial climate changed over the 1970s. As economic pressures developed, especially rising inflation and rising unemployment, and with a change of government, industrial relations became increasingly hostile. Stan Imer, Assistant Federal Secretary of ACOA and its predecessor unions for 26 years argued at the time that:

The Public Service Board just says 'No' to everything. I think the Government is scared that the Public Service, if it gets any increases, could become a pace-setter as it was seen to be in the ALP days (Huntley, 1980:10).

This was a period of financial adjustment and staffing constraints in which processes and entitlements were streamlined. Innovations introduced under the previous government, such as paternity leave, were withdrawn (Simms, 1987). The introduction of strict wage guidelines in April 1975 reduced the scope for sectoral wages increases, and, while other unions could achieve over-award payments, this was not open to the public sector.

Industrial relations in the late 1970s became increasingly adversarial in the federal public service, with the incidence of strikes and the numbers of staff involved growing (McCallum, 1984). The scope of industrial activities broadened. Protests, work-to-rules campaigns, bans and short stoppages, as well as strike action, were frequently undertaken. The range of issues in dispute also widened to include staffing levels, redeployment and retirement legislation, and large pay claims to keep in touch with market rates. A significant change for the federal public service unions at this time was support for political campaigns, rather than merely pursuing matters pertaining to public service wages and conditions, for example, rallies against the budget in 1976, and participation in union-wide campaigns, such as protests against changes to Medibank.

McCallum (1984) suggested a number of factors had led to increasing militancy, including changes in community-wide political, industrial and economic climates, relative decline in public sector pay, uncertainty over the implications of a push for smaller government, heavy workloads arising from staff ceilings and changing attitudes toward industrial action.

These possible causes of increasing militancy were explored in our interviews. As suggested by McCallum (1984), significant factors included community-wide changes in attitudes, but also noted were the strong democratic workplace structures put in place by new ACOA leadership enabling members to take direct responsibility for industrial strategy and implementation. Interviewees reflected on this as a time of strong local participation in campaigns with members actively

involved in decision-making. They suggested that the willingness of public servants to engage in industrial activity came from a profound radicalisation that occurred during the Whitlam era when public servants became engaged in wider political issues (for example, Vietnam moratoria and the women's movement). The dismissal of the Whitlam Government by the Governor-General in 1975 was identified as a crucial moment in the radicalisation of many public servants. This cultural transformation was described by a leading union official as being at the base of the new militancy of many federal public servants (interview 29 May 2002).

Increasing industrial action led the Fraser government to introduce measures to curb union activity. The *Commonwealth Employees (Employment Provisions) Act 1977* allowed federal employing authorities to suspend or dismiss employees who took industrial action and allowed the stand-down of public servants who could not be usefully employed as a result of industrial action. The *Commonwealth Employees (Redeployment and Retirement) Act 1979* provided employing authorities with powers in various redeployment and retirement situations, including compulsory retirement and retrenchment. The prospect of significant redundancy of permanent staff had not been contemplated previously in the Australian public service and the interviews suggested that this legislation particularly aroused the anger of workers. A campaign of stoppages and bans, including bans on ministerial communications, was conducted. The government implemented the 'no work as directed, no pay' provisions which were introduced to the *Public Service Act 1922* in response to the increasing number and variety of work bans (PSMPC, 2001). Other actions taken by the government at this time included the withdrawal of payroll deduction facilities for union dues and standing down of union members engaged in bans and limitations.

An interviewee described the culture as having changed from one of making 'earnest representations' to the Public Service Board to challenging decisions of the Board in the Commission, so much so that it engaged for the first time 'professional' industrial advocates (interview 9 July 2002). However arbitration was used opportunistically by staff associations. A former ACOA official gave the example of the union successfully applying to the Full Bench of ACAC for the retention of union members during cut backs to the public service. When the government disallowed the determinations of the Commission, the ACOA took the view that neither negotiation nor arbitration were options and continued industrial bans and limitations, ignoring the directions of the Commission.

As the public service staff associations increasingly worked collaboratively on industrial campaigns the question of amalgamation came to the fore. In 1977 ACOA invited APSA to participate in a joint study to examine the feasibility of amalgamation (Juddery, 1980). However, there was insufficient will to carry an amalgamation through at this time (interview 9 July 2002), although at the peak body level CAGEO and the ACTU amalgamated, bringing the public sector into the fold of the broader union movement (Griffin and Giucca, 1989).

Overall, industrial relations in the Australian public service during the 1970s became increasingly confrontational, resulting in events previously unseen in the Australian public service. Arguably, this was the pivotal period during which public sector staff associations were transformed into industrial unions, challenging the decisions of the Public Service Board, utilising the Commission opportunistically, undertaking militant industrial actions and culminating in the amalgamation of CAGEO with the ACTU. Crucially, virtually all of these developments were in response to changes within the public sector.

The 1980s: Part of the Union Movement

The industrial climate shifted significantly in 1983 when the Hawke Labor Party took office. The new government negotiated an Accord with the broad union movement. This was an attempt to develop a shared vision of economic and social growth through consultation at peak levels. The Accord ensured centrally determined wage increases, but at the same time mitigated against wage leap frogging by requiring unions to agree to 'no-extra claims' and by providing improvements to the social wage (ALP/ACTU, 1983). The close political cooperation between the union movement and the Labor government in the 1980s was thought to promote the growth of the union movement through its inclusion in political, social and industrial strategies. However, the Accord has been accused of contributing to declining union membership by failing to bring material benefits to workers, by reducing the economic power of individual trade unions and alienating rank and file members through centralised decision-making (Kenyon and Lewis, 1992; Macdonald, 1996).

Relations between federal government employers and public service unions improved significantly under the Labor government with union membership actively encouraged by government (Halligan, 1988). In contrast to declining density in the union movement as a whole - a drop in unionisation from 48 per cent in 1980 to 41 per cent in 1990 (ABS, 2000) - federal public service union membership levels were comparatively stable. ACOA's total membership increased from 48,000 in 1983 to 53,000 in 1986, although APSA's fell from 35,000 to 29,000 (Dickenson, 1988).

The first Accord promised to promote good relations between public service unions and the government, the latter committing to fair market valuation of public sector wage rates. However, there was considerable delay in progressing the commitment and federal public service unions held meetings across the nation to pressure government. When the matter was eventually heard in the ACAC, the Commission rejected the claim and the unions mounted an industrial campaign. The then National Secretary of APSA, Gary McMorran, declared that the Accord should be 'smashed' because of its failure to achieve wage justice (Simms, 1987:44). The dispute was resolved after the ACTU presented a modified claim to the Commission, assuring the government and the Commission that there would be no wage flow-ons. Two important developments within public service unionism can be drawn from this dispute. The first was the central role of the ACTU and the willingness of the public service unions to operate within the boundaries established by the Accord parties (Teicher, 1986). The second was that these organisations now appeared to be less willing to pursue industrial action. Ultimately, they accepted a lesser pay rise than was originally agreed between themselves and the Labor government rather than intensifying industrial action. Their strategies moved from militancy to restrained industrial activity to accommodate the Accord. This restraint was evident throughout the remainder of the 1980s. For example, when massive cuts to the public sector and removal of conditions, such as flextime, were announced in 1986, rather than industrial stoppages, lunchtime meetings were held and meetings of ACOA members authorised their Executive to negotiate with targeted agencies over workloads and conditions. The militancy of the 1970s had become much more measured.

Constraints imposed under the Accord continued to be difficult for public service unions. In New South Wales, the existing leadership of the ACOA was defeated by candidates elected on an anti-Accord platform (Gardner, 1986). Tensions continued to grow when the public sector unions opposed the 1987 Accord-based proposal for a two tier wage structure in which the second component of the wage increase was dependent on implementing measures to improve efficiency (the Restructuring and Efficiency Principle). Gardner (1988) suggested that the potentially mutually beneficial deals under restructuring were not as easy to find in the public sector as they were in the manufacturing industry. Further pressure was put on the Accord process in 1988 by Victorian public sector unions taking industrial action in support of a 6 percent wage increase

(Spooner, 1989). Nonetheless industrial activity was restrained when compared to the militant 1970s. However, the interviews indicated that even these limited industrial campaigns attracted criticism from other sections of the union movement, and from some members, because they reflected badly on 'their' Labor government. Interviewees argued that, despite this pressure, the priority was to ensure a membership driven pursuit of claims.

A significant shift in federal public service industrial relations in the Labor period was the widespread introduction of industrial democracy requirements. All federal departments were required to lodge industrial democracy plans from 1985. Although some already had consultative mechanisms their scope was comparatively limited. As early as 1986 departments were reporting favourably on their progress and joint consultative councils were becoming fora for resolving industrial issues such as implementation of permanent part-time arrangements, technological change, flextime arrangements, classification reviews, occupational health and safety issues and equal employment matters. Training and facilities for union delegates were provided (Dickenson, 1988). Such developments were not necessarily viewed as effective unionism by a number of the interviewees. According to one union official, 'being absorbed into consultative committees and sitting around tables with management and government changed the union's focus and changed how members could see what they could do for themselves' (interview 14 June 2002). There was a perception from members that the union was becoming part of the management agenda and that 'there are times when they would much rather have a blue than get an agreement' (interview 14 June 2002). However, other interviewees saw the period as providing an opportunity for hundreds of members to start participating in industrial activities through access to negotiation and discussion of workplace issues (interview 21 June 2002). Arguably, the pragmatic response to a Labor government made intuitive sense in the short term but undermined union capacity over the long term.

In 1987 the ACTU released a report which provided a program for amalgamation of Australian unions and new ACTU structures in response to declining membership levels (ACTU, 1987). Large national industry-based unions with more resources, were thought to be able to tackle a broader agenda on behalf of members. Public sector unions were not immune to the amalgamation process. However, the primary motivation for a major amalgamation in 1989 was not the ACTU agenda but the streamlining of public service job classifications. During 1988, as part of the restructuring process, 93 job classifications in the keyboard/clerical areas were reduced to eight levels and 180 salary pay points reduced to 43 (Curtain, 1993). This was of particular concern to APSA officials, because the elimination of the divisional structure (which defined APSA's coverage) threatened its survival. Amalgamation was not a popular choice for many APSA members, evidenced by the distribution of pamphlets describing ACOA as a 'bosses union' and 'a front to push management's line' (APSA Rank and File Group, 1985). But despite APSA's strong resistance, in 1989, APSA, ACOA and the ABC staff association amalgamated to form the Australian Public Sector and Broadcasting Union (PSU). Interviewees confirmed that the integration of job classifications was overwhelmingly the most important factor in APSA's decision to amalgamate with the ACOA and that the ACTU amalgamation agenda had little, if any, influence. Significantly, the newly amalgamated organisation chose to call itself a union and not a staff association, thereby publicly declaring itself to be an industrial union and signifying its membership of the broader union movement.

Overall, under the Labor Government in the 1980s, public service unions adapted to the corporatist model of industrial relations by conforming to the parameters of the Accord and participating in industrial democracy fora at workplaces, despite occasional opposition from members. The outcome was to dampen, but not completely quell, the spirit of militancy that had emerged in the previous decade. During the 1980s public service unions increasingly acted in accordance with the

strategies of the broader union movement and the major federal public service union publicly identified itself as an industrial union. The motivations for these changes were, however, largely the changing agenda of government. As the corporatist model of the Hawke Labor government replaced the adversarial tactics of the Fraser government, so the industrial responses and organisational structures of public service unions changed.

The 1990s: Fight for Survival

If the 1970s was the decade of growth of membership and of militancy, and the 1980s the decade of stability, the 1990s saw public sector unionism fight for survival. An array of interrelated changes to the employer-employee relationship, particularly agency-based bargaining, commercialisation and, post-1996, government encouragement of an individualistic employment relationship, posed major challenges to public sector unionism. This section briefly outlines these challenges and then examines and assesses the union response.

Challenges

A major, economy-wide initiative that commenced in the 1980s and started to take hold in the 1990s was the move away from the traditional, centralised conciliation and arbitration system and the introduction of an enterprise bargaining system. The decentralism under the Accord was expected to give unions a meaningful workplace presence, and members and local representatives could look forward to real tasks and positive results around which to recruit and grow (Pocock, 1996). However, bargaining in the public service was taking place in an environment of decreasing employment. During the first half of the 1990s the size of the federal public service decreased from 162,000 employees to 145,000 (Anderson et al., 2002). As the extent of bargaining and the number of agency-based agreements continued to grow, the necessity to service membership needs in this area made increasing demands on scarce union resources. The CPSU responded with a strategy of pursuing a *de facto* central bargaining framework, a strategy that was initially successful under a Labor government but not under the post-1996 Liberal-National coalition government.

The election of the Liberal-National coalition government in 1996 resulted in a dramatic marginalisation of the union movement and a concurrent strong emphasis on individual employee relations. Under its new *Workplace Relations Act 1996*, the federal government introduced a major threat to public sector unionism, the availability of non-union and individual agreements and the capacity for agencies to deal directly with staff. O'Brien and O'Donnell (1999) have suggested that the only effective union counter to this legislation was organisation at the agency level. Such a response has proved difficult. As noted earlier, the government has sought to diminish the role and relevance of union organisation at the agency level by strict application of the right of entry provisions in the WRA, by disallowing union access to facilities at the workplace and by ensuring no pay during industrial activity (DEWRSB, 2000a). The government has also threatened the financial basis of the public sector unions by withdrawing automatic payroll deductions of union fees. Currently, every member has to elect every year whether to continue this arrangement.

An important factor surrounding the introduction of these new industrial arrangements has been the commercialisation of public services. Throughout the 1990s, Labor and subsequently Liberal-National coalition governments embarked on a program of privatisation, outsourcing and competition with the private sector (Wettenhall, 1997, 2000). As public services faced commercialisation, some staff were increasingly put in the position of agreeing to diminished working conditions and/or increased workloads in order to successfully compete against external providers. To take just one example, during enterprise bargaining in the partially-privatised telecommunications carrier, Telstra, management warned CPSU members that if they did not accept

reduced conditions of work, outsourcing would occur and jobs would be lost (Barton and Teicher, 1999). Similar marketisation, outsourcing and privatisation reforms have occurred in most state jurisdictions (see Fairbrother *et al.*, 2002b).

Unions that have organised or participated in campaigns against privatisation have been mostly unsuccessful (with the notable exception of the NSW electricity industry), and have had to negotiate the best deals they could with the new owners (Svensen and Teicher, 1998). An alternative strategy, adopted by some unions, was to be complicit in reducing existing conditions in order to keep the work in-house. Traditionally militant unions, such as the Australian Manufacturing Workers Union and the Communications, Electrical and Plumbing Union, in the Victorian power industry were apparently willing to accept market-driven efficiency strategies, including downsizing and contracting-out, in order to retain a role in the industry (Fairbrother *et al.*, 2002b; Teicher, Van Gramberg and Holland, 2001). In Victoria rolling industrial action occurred in response to the announcement of the privatisation of public transport. Transport unions were attempting to secure pay rises, ensure adequacy of redundancy payments for the thousands losing their jobs, and roll over existing entitlements for those employed by private companies. Teicher and Van Gramberg (1998) concluded that the scope for union bargaining was largely reduced to minimising the negative impact of redundancy on its members.

Impact on membership

Australian trade union membership levels were in severe decline throughout the 1990s, with overall density dropping from 40 percent in 1992 to 24.5 percent in 2001 and absolute numbers decreasing from 2.5 million to 1.9 million members (see Table 1). In contrast to the early 1980s, more members were lost from the public sector than from the private sector: of the total drop in membership of 606,000 over this 10-year period, some 462,000 were public sector unionists. Consequently, although public sector density rates remained relatively high - dropping from 67 per cent in 1992 to 48 per cent in 2001 - its share of total union membership decreased from 46 per cent in 1992 to 36 per cent in 2001.

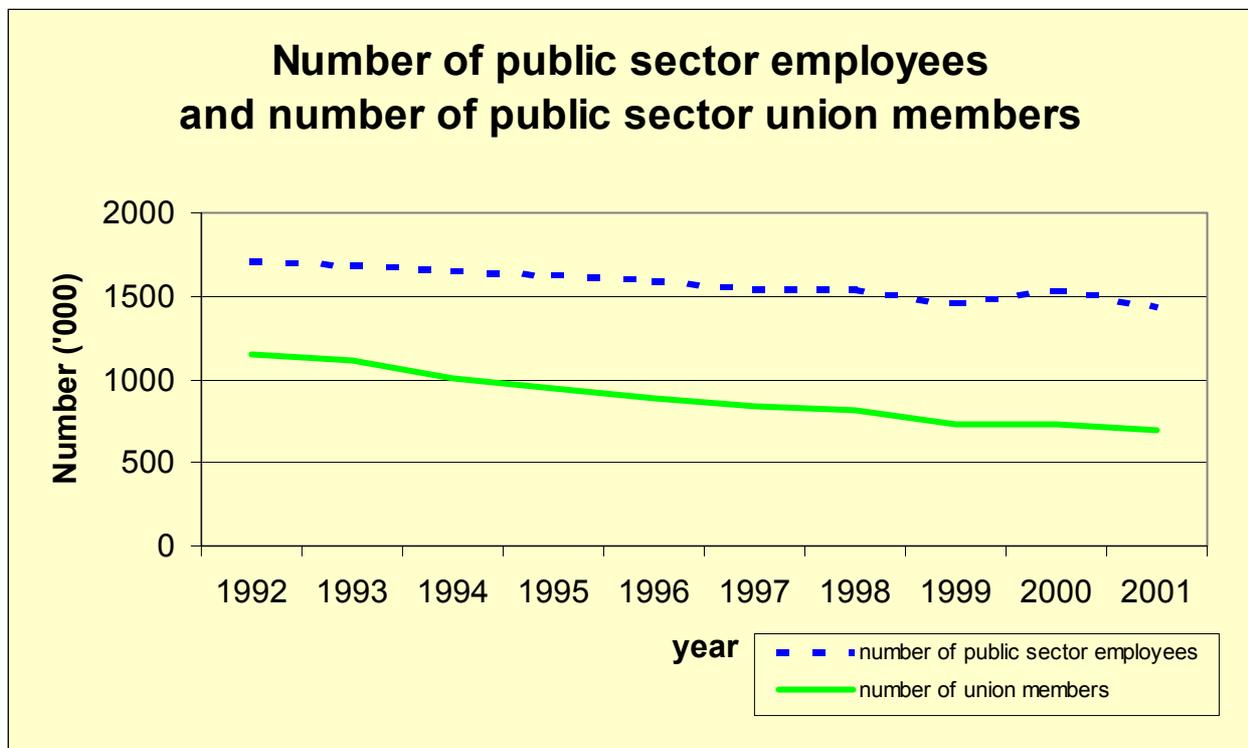
Table 1: Overall Trade Union and Public Sector Union Membership and Density Rates, 1992-2001

Year	Union members ('000)	Union density (%)	Public Sector union members ('000)	Public Sector union density (%)	Union members in the public sector (%)
1992	2508.8	39.6	1151.5	67.1	45.9
1993	2376.9	37.6	1111.9	64.4	46.8
1994	2283.4	35.0	1006.1	62.3	44.1
1995	2251.8	32.7	946.7	56.4	42.0
1996	2194.3	31.1	883.6	55.4	40.3
1997	2110.3	30.3	843.3	54.7	40.0
1998	2037.5	28.2	819.7	52.9	40.2
1999	1878.2	25.7	730.9	50.0	38.9
2000	1901.8	24.7	725.0	47.4	38.1
2001	1902.7	24.5	689.5	47.9	36.2

Source: Australian Bureau of Statistics, Trade Union Members, Catalogue No. 6325.0; Employee Earnings, Benefits, Trade Union Membership, Catalogue No. 6310

Our interviews suggested that this decline is partly a direct result of cuts to the public sector and the outsourcing and privatisation of public services. However, as illustrated in Chart 1, the size of the public sector decreased by only 17 percent between 1992 and 2001, whereas the number of public sector union members decreased by 41 percent. Although some of this difference can be attributed to the privatisation of traditionally strongly unionised areas, such as telecommunications and power generation, membership obviously declined at a faster rate than can be accounted for by loss of jobs in the public sector. The extent of this crisis is accentuated when compared to public sector unions in comparable OECD countries. For example, despite similar reductions to public sector employment, the density rate of public sector unionism in both New Zealand and the UK was around 60 per cent in 2002 (Fairbrother, 2002; May, Walsh, Thickett and Harbridge, 2001), while the Canadian figure was 70 percent (Murray, 2002). In the USA, where overall union density levels are comparatively low, public sector union density has grown from a low of 10 percent in 1958 to 35 percent in 1980 and 37 per cent in 2002 (Bronfenbrenner and Juravich, 1995; Jarley, 2002; Murray, 2002).

Chart 1: Public Sector Employment Levels and Public Sector Union Levels



Source: Australian Bureau of Statistics, Trade Union Members, Catalogue No. 6325.0; Employee Earnings, Benefits, Trade Union Membership, Catalogue No. 6310

Within the broad public sector, unions in some areas are performing better than in others: education has maintained membership levels and the health sector is growing (Cooper, 2002). In contrast, unions covering public service workers have suffered severe declines; for example, CPSU (PSU section) membership decreased from 110,000 in 1996 to 72,500 in 2001 (Cooper, 2001) while in Victoria the State Public Services Federation suffered massive losses between 1992 and 1994 when membership levels plummeted (Pocock, 1996), pushing the union into insolvency.

Union Response

In responding to the challenges of the 1990s, public sector unions have attempted to implement strategies similar to those found in private sector unions, in particular amalgamations and a culture of organising. This similarity is not unexpected: industrial relations in both sectors are now very similar and we have argued earlier that during the 1980s public sector unions increasingly mirrored their private sector counterparts. However, if these strategies followed those of private sector unions, the progenitors of the strategies were very much internal to the public sector.

As noted earlier, one key strategy promoted by the ACTU to reverse declining membership was amalgamation. During the 1990s the PSU, itself an outcome of a 1989 merger, continued the process of amalgamation, merging with associations covering workers such as meat inspectors, CSIRO officers, and professional radio and electronics staff. In 1994 the PSU amalgamated with the SPSF (a loose federation of state public sector unions) to ultimately form a union of 250,000 members now known as the Community and Public Sector Union (CPSU) (Jadeja, 1994). The amalgamation of the SPSF with the CPSU was particularly promoted to the union membership as an important strategy in response to the anti-union activities of the state and federal level governments (PSU, 1993). Our interviews confirmed that the main motivation was to respond to government-initiated changes and particularly to learn from each other how to survive in an anti-union environment. Unfortunately, such expectations, as in other mergers, were not necessarily realised. For example, the CPSU/SPSF amalgamation was described by one interviewee as ‘unconsummated’ because premises, organisational structures, flow of work and financial arrangements still remain separate (interview 9 July 2002). Overall, while reducing the number of unions, mergers did not succeed in stemming the decline of membership. Consequently, attention turned to a new strategic response, the introduction of the organising model, a concept promulgated by the ACTU Organising Centre from 1994 onwards (Griffin and Moors, 2002).

Cooper’s (2001) detailed case study research on the CPSU suggested that very real structural and cultural changes have occurred including the provision of adequate resources for organising, redefining the roles of union organisers, and changing organisational structures. It restructured its lines of accountability into divisions that reflect government agencies and other sectors. Labelling this strategy ‘renewal’ it hopes to stop membership decline and start growing, at least in terms of density levels (CPSU, 2000). Officials interviewed in this study cited many examples of organising practices, such as building membership levels around workplace issues in areas of low membership levels, for example, new GST field employees in the Tax Office. However, membership involvement and genuine control of the agenda at the grassroots remains problematic. Members reported problems finding time to participate in union campaigns at the workplace, that they lack the expertise required to deal with industrial issues and that in many instances they would prefer receiving a service from the union. A CPSU organiser reported members as demanding that ‘we pay our fees and we expect the union to come in and fix the problem’ (interview 7 June 2002). The divisional structure was perceived by many activists as inhibiting the development of a sense of solidarity with other workers. Activists and officials agreed that it makes sense to be structured into public sector agency groupings, as issues of importance to members are generally germane to their agency. However many also believed that participation in broader union and social issues has diminished as a consequence and that the demise of the state branch structure may further exacerbate these difficulties.

Despite these problems, the barriers to implementing an organising culture may not be as difficult to overcome in the CPSU as in other unions. The CPSU has come from a background of membership ownership of their associations, strong workplace structures with developed democratic processes and active delegates, and therefore the culture of a grass-roots led renewal could be a return to a

pre-existing culture. Further, the public service remains dominated by large organisations and fixed locations, with an articulate body of staff that can ably combine and voice its concerns, a good start to workplace organising. Interviewees who participated in the organising training provided by the ACTU expressed surprise at how much further advanced they were compared to other participants, particularly in basic understandings of membership ownership of the union (interview 7 June 2002). However, it remains to be seen whether the renewal strategies have halted the membership decline.

In response to the growth of contracting-out and privatisation, a third CPSU strategy has been to follow their members into the private sector. The CPSU's membership coverage is now much broader than the public sector and includes call centres and the privatised telecommunications industry. This strategy has raised a range of new industrial issues for the union, such as the collapse of the major telecommunications company One.Tel. When the One.Tel workers were faced with redundancy the CPSU coordinated rallies of staff, won redundancy provisions and represented staff in the commercial wind-up processes (CPSU, 2001). This dispute provides an example of membership ownership of the dispute and effective action in pursuit of entitlements. However, it also poses a dilemma for the CPSU regarding the number of resources and amount of money that can be devoted to running a campaign. Most new One.Tel members were, ultimately, made redundant and therefore contributed little to union funds.

On face value, and particularly as reflected in the membership data, public sector unions, and especially the key public service union, the CPSU, appear to have had little success. O'Brien and O'Donnell (1999; 2002), however, have argued otherwise, citing the following positive achievements: agencies with high membership have union agreements; the union has had substantial input in non-union agreements; individual agreements are limited to less than 5 percent of the public service; and union facilities are often called staff facilities and are still accessible. However there have been some significant losses suffered by the union: loss of monopoly representation; loss of automatic payroll deductions; the necessity to bargain across agencies; and a substantial decline in union density. These have all imposed a considerable strain on resources. With declining resources the CPSU has sought cuts to its expenditure. This has necessitated staff cuts, changes to the way industrial staff conduct their work and bargaining with union staff about cost cutting measures, resulting in internal industrial upheaval.

CONCLUSION

This historical overview of public sector unionism has discussed the increasing militancy of public service unions in the 1970s and, during the 1980s, their transformation from in-house staff associations to constituents of the broader union movement. This was evident in their participation in the Accord-based corporatist style of employee relations as the nature of the employment relationship became more cooperative and participatory, but with flashes of industrial activity. The industrial framework became less centralised under the Labor government and during the 1990s public service unions struggled to gain progressive local agreements but participated because of fear of a more radical industrial framework. The election of the Liberal-National coalition government in 1996 introduced a strongly anti-union industrial regime. Like the rest of the union movement, public sector unions are struggling in this aggressively anti-union environment.

In addition to the radical changes in the industrial environment, the public service has been transformed by the implementation of reforms under the rubric of New Public Management. In an environment of public sector cuts and privatisation, it has been difficult for the CPSU to maintain employment conditions across the public service or maintain a service wide wage and classification structure. Most devastating has been the massive decline in union membership, resulting from a declining public sector, commercialisation of work and individualisation of the employment

relationship. In response, the CPSU has undertaken a significant internal reorganisation and adopted the organising model of unionism.

Although the changes and strategies adopted by public service unions have been in step with the broader union movement, this paper has argued that the constant trigger for change has been government policy. Membership levels have altered with changes in government policy, industrial strategies have altered according to the industrial framework imposed by government, and changes in union structures have been in response to public service restructures. Most significantly, NPM policies have imposed particular pressures on public service unions to the point that they are now struggling for survival. The impact of the union renewal strategy, and the adoption of the organising model to underpin this strategy, remains uncertain.

INTERVIEWS

19/09/01 CPSU organiser
04/10/01 CPSU workplace delegate
07/05/02 CPSU workplace delegate
22/05/02 ex ACOA activist and CPSU workplace delegate
29/05/02 ex ACOA official and ex SPSF official
31/05/02 CPSU organiser
05/06/02 focus group of CPSU activists
05/06/01 ex ACOA activist and CPSU organiser
07/06/02 CPSU organiser
14/06/02 ex ACOA official and ex CPSU official
14/06/02 CPSU official
18/06/02 CPSU official
20/06/02 ex ACOA official and CPSU organiser
21/06/02 ex ACOA activist and CPSU organiser
21/06/02 ex ACOA activist and CPSU official
09/07/02 ex APSA industrial officer

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