

Signing your rights away

With individual contracts for teachers back on the agenda, this time at a federal level, it's time to recall the bad experiences of the past. Jane Nelson reports.

The federal government's push for major changes to the industrial relations system may breathe new life into the spectre of individual employment contracts for teachers.

It's a frightening prospect for many reasons, as teachers in Victoria, Western Australia and New Zealand know all too well from past experience.

Any individual contracts introduced under the government's proposals will give employers more control over all working conditions, including hours, says Australian Council of Trade Unions secretary Greg Combet. They will need to be tested against only four minimum conditions and a minimum pay rate.

"This will allow conditions to be reduced below the current award safety net. Up for grabs will be redundancy, work and family rights, and skill-based career paths," he says. "They have the potential to cut workers' take-home pay and destroy their job security."

Combet urges teachers to fight to retain collective bargaining, saying it delivers better pay and conditions than individual contracts. "Through collective bargaining we can achieve greater pay equity, conditions that help us balance our work and family commitment, and improved career paths and pay."

David Kelly, general secretary of the



State School Teachers' Union of Western Australia, also says it is important to build and maintain strong group resistance to individual contracts. He supports teachers in their refusal to sign because "every individual picked off by the government undermines the attempts to defend teachers' terms and conditions".

In New Zealand, Post Primary Teachers Association general secretary Kevin Bunker says the experience in his country shows the importance of stamina when it comes to fighting the move, and warns that new teachers must be supported to be more aware of their rights.

Bunker says that teachers must be cautious. "From our experience, any temptation that is offered will be very short-lived, and any benefit that might accrue very quickly disappears," he says. He cites the promise of annual performance bonuses for teachers that turned out to be worth NZ\$50 a year.

"The other thing you need to remember is that, when you become subject to an individual contract, you are very alone."

Hell-bent on eradication

In the early 1990s, teachers in Victoria and Western Australia were working under conservative state governments hell-bent on reducing union power through the eradication of collective bargaining agreements in favour of individual contracts. Both governments determined that all future employment in schools and TAFE could only be on a contract basis.

In Victoria, the government primed its teaching environment for the push by cutting the number of teaching positions by 20 per cent and closing 350 schools. In Western Australia, the most isolated and vulnerable teachers were targeted—those in the remote

ATAGLANCE

■ **Individual contracts introduced under the federal government's proposed industrial relations changes could reduce teachers' pay, conditions and job security**

■ **When similar contracts were imposed on teachers in Victoria, WA and New Zealand, they were divisive and unsettling, and many teachers found themselves without holiday pay, maternity leave and access to professional development**

■ **The fight against individual contracts can be long, and new teachers need to be informed of the background.**

teaching service as well as principals and deputy principals.

"The main problem was that it caused great division in the system with teachers working under different conditions," says Kelly. "The legislation let them rampage into the system, selectively choosing people to target, and they initially offered the incentive of extra money."

In New Zealand in 1991, school principals were confronted with the government's Employment Contracts Act, the end result of the government's attempts to introduce individual employment contracts from 1989. After standing together to resist the move for 15 months, they were made a collective offer of a 15 per cent pay rise.

Individual contracts were first put to New Zealand teachers when their award expired in 1992, but they were offered no pay rises.

Similarly, Victorian principals were offered higher pay as part of their salary packages, but other teachers were offered no such incentive.

In WA, higher pay and the maintenance of current terms and conditions were generally offered as a sweetener to tempt teachers to switch to individual contracts.

Terms and conditions eroded

In all cases, teachers who agreed to sign often found themselves unable to negotiate on future contracts—and this was when the danger arose. Terms and conditions, such as holiday pay, maternity leave and access to professional development, which had been sacrosanct under collective certified agreements, were now gradually eroded as employers capitalised on the power they wielded.

"It's usually not the first or even

the second individual contract that's the problem," Mary Bluett, president of the Australian Education Union's Victorian branch says of the situation in Victoria. "In those, there might be something for the individual in the short term. It's when you have to take things off in the second or third agreements to get your pay increases or whatever that you see the progressive loss of terms and conditions over time."

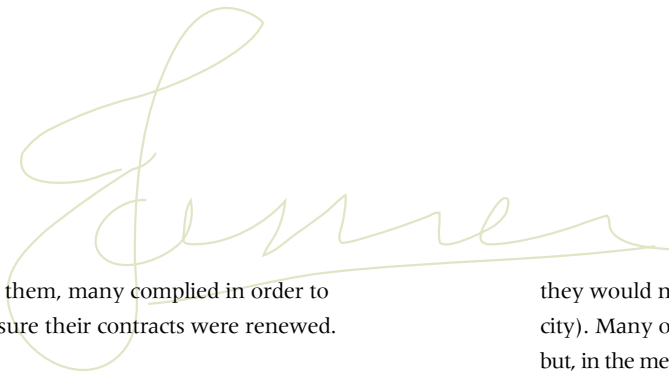
Some Victorian teachers found themselves employed on a per-term basis, with no access to holiday pay, long-service leave accrual, professional development or any of the other usual benefits. The casualisation of the teaching workforce had begun.

With contracts starting at the beginning of a term and usually finishing on the second-last day of term, many teachers found themselves with no job security. They were constantly reapplying for their jobs or looking out for a new job for the next term.

For Victorian secondary school teacher Jacqueline Di Stefano, who spent her first 10 years as a teacher working on a contract basis, the system meant other limitations.

"It's really stressful and disheartening just having to constantly look for a job," she says, "but, on top of that, it affected my whole life. I was never able to buy property because I didn't ever know whether I would have a job in the next term or the next year, and banks wouldn't give me a loan."

Teachers working under Victorian contracts found themselves without holiday pay because of the way the contracts were dated. They were often without income for 11 weeks in the year, forcing many to take on other casual jobs during the school holidays.



"I was doing other jobs during the holidays like temping or working in offices for two weeks—anything I could find," says Di Stefano. "It also meant I never had any holidays."

She says the pressure to find a job meant she felt she never had room to negotiate on terms and conditions, and instead grabbed whatever contract was on offer. "There was never any negotiation. It was always, 'Here's your contract. Here's what we've got to offer and, if you're not interested, then go elsewhere.' It was either that or being out of work."

"All I was interested in then was getting a job, but, when I look back, I've lost out on so much long-service leave."

Bluett says employers were definitely in a position of power during that time, with teachers expected to bend to the unrealistic demands that were placed on them to keep their jobs.

The temporary nature of contract teaching positions also had an impact on the quality of teaching with many teachers feeling it was barely worth their while to get to know their school and put in their best efforts if there was no guarantee of a continuing job.

Di Stefano found herself working in four different schools in one year. By the time she had become comfortable in her environment, it was again time to move on.

"That was the experience of many of my colleagues and it definitely affected the quality of the teaching that was being provided," she says.

Bluett says "teachers felt incredibly vulnerable at this time" and when employers placed additional demands

on them, many complied in order to ensure their contracts were renewed.

Bullying and intimidation

In WA and New Zealand, the advent of individual contracts was accompanied by incredible pressure to sign on, with reports of bullying and intimidation.

WA teacher Karen Bigwood, who worked for the Remote Teaching Service, described the process in 1995 as "pure harassment".

In her case, an Education Department representative flew into Blackstone, 15 hours' drive from Kalgoorlie, with the specific intention of applying enough pressure on the teachers to get their signatures on contracts. She says teachers were basically kept in offices

until they signed and many ended up in tears.

"There were threats made, especially to first-year teachers, and it was all very nasty," says Bigwood. "I was lucky enough to have my permanency, but the temporary teachers who were out there were

scared that, if they didn't sign, they wouldn't get work again. We saw some really strong, independent people just crumble."

Teachers who signed the contracts were offered an additional \$10,000 a year to perform the same duties as those who were not on contracts, as well as a bonus term's holiday for signing on for another three years in the remote service. However, the additional income often moved teachers into the next income tax bracket, leaving them with little, if any, increase in net income.

They were also told they would receive preferential treatment when it came to transfers back to city schools (and those who didn't sign were told

they would not be transferred back to the city). Many of the promises were not met, but, in the meantime, they created great division between contract and non-contract teachers.

"There was a lot of conflict," says Bigwood. "Most of those who were promised transfers never got back into the city anyway, and the ones that did get transferred ended up in the hard-to-staff schools. There were a lot of false promises."

New teachers unaware

In New Zealand, the government's push for individual employment contracts for teachers lasted three years, despite a strong campaign against it and a teachers' strike in the early days.

Bunker says the strong inner core of resistance against the contracts, particularly among new teachers, was eroded. "A new teacher coming into the system, who would be unaware of the background, would be presented with a contract to sign. They would sign up to the terms and then discover that they were inferior to those of people they were working alongside.

"There was a lot of erosion of rights, particularly rights that you accumulate over time, like sick leave. And throughout this whole period there was no increase in pay either."

Bunker says the whole purpose of the Employment Contracts Act was to drive down wages across the economy. The government was particularly severe on its own workers, and teachers were a significant part of that workforce.

"Teachers who experienced that regime have very bitter memories of that time," he says. ■

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