

Union strategy and structure in a decentralised environment: An exploratory study of the Community and Public Sector Union

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ABSTRACT

The paper examines the strategic and organisational responses of the union covering Australian Public Service (APS) employees, the Community and Public sector Union (CPSU), to the challenges of managerial and industrial decentralisation in the APS. Since 1987, the regulation of work in the APS has undergone several forms of decentralisation. Like other employers in the federal industrial relations jurisdiction, the APS has responded to changed industrial relations legislation between 1988 and 1996 by relocating wage bargaining to workplace level, and, latterly, to individual level. The paper highlights that the changes to the CPSU's structure provided the conditions for a new model of democratic legitimation in the union in the form of Divisional Councils and Sections comprised of workplace delegates. In addition, while the reorganisation of the union facilitated a union strategy compatible with the ACTU's organising and bargaining models, the union continued to face a bargaining environment involving both decentralised agency bargaining and central oversight over the bargaining process by the Department of Employment and Workplace Relations.

Introduction

The paper examines the strategic and organisational responses of the Community and Public Sector Union to the challenges of managerial and industrial decentralisation in the Australian Public Service. Since 1987, the regulation of work in the APS has undergone several forms of decentralisation. Like other employers in the federal industrial relations jurisdiction, the APS has responded to changed industrial relations legislation between 1988 and 1996 by relocating wage bargaining to workplace level, and, latterly, to the level of individual employees. Successive governments have vigorously pursued the new bargaining agenda with their own employees, as part of a more general shift to devolved public sector management practices. There is no novelty in the argument that decentralisation has been driven by policy from the centre. Rather less attention has been paid, however, to the interplay of centralisation and decentralisation on the structures and strategies developed by the CPSU.

The paper reviews the hybrid centralised/decentralised models of federal public sector employment relations engineered by Labor and Coalition changes to industrial relations legislation and public sector management in the 1990s, with a particular focus on the period since 1996. Of particular concern is how the CPSU has responded to the hybrid model of bargaining it has faced under the Coalition Government since 1996. We map union responses to the changed bargaining context, starting with the major structural changes beginning in 1987 that brought the (C)PSU into existence. Centralised bargaining had been compatible with branch- and state-level consultative structures and a 'service' model of unionism, with paid officials heavily involved in addressing individual cases. The new union rode out the early-1990s wave of industrial decentralisation, without changing this structural configuration. After 1996, however, it reversed its earlier focus on centralised industrial negotiation and decentralised deliberative structures and servicing functions. In the new model, national-level deliberative and policy capacity was enhanced through a move away from the old state/federal structure to greater reliance on divisional councils of delegates with similar interests, composed of sections that mirrored agency-level bargaining units. Membership communication and advisory services, on the other hand, were centralised and allocated to organisers and call centre staff, in order to free up industrial officers and division secretaries for workplace-level bargaining. A second theme of the paper is an examination of whether this restructuring of the CPSU also enhanced the prospects of union democracy. While the reorganisation of the union was designed to increase the union's negotiating strength at workplace level, to what extent has the development of divisional councils comprised of a majority of workplace delegates increased membership involvement in the union's internal decision-making processes?

What is union strategy anyway?

There are some conceptual difficulties in applying business-oriented models of organisational strategy and effectiveness to unions, despite recent attempts to do so (Gardner 1989; Gardner and Palmer 1993). In business environments, the prime objectives are profit maximisation and shareholder value. By contrast, unions (and many other not-for-profit community organisations) have an overall objective of membership welfare, whose nature is difficult to define and whose achievement is likely to be multi-dimensional (Child, Lorange and Warner 1973). Organisational literature distinguishes between 'goals' and 'systems' models. The 'goals' model starts from the assumption that organisations have clear and defined objectives that are pursued through the formulation and implementation of purposeful strategies. System theories adopt a biological metaphor and emphasise the maintenance, effectiveness and 'health' of organisations. Thus the achievement of specific goals is subsidiary to the 'healthy' survival of the organisation (Gahan 1999). A combination of the two approaches may be more useful than either approach alone, in determining the success of union strategy or the simple application of business strategy to union activity (Fiorito *et al.*, 1993). Organisational survival, then, is a broader and more complex issue than the achievement of immediate goals. Nevertheless palpable and continuing achievement of specific objectives may be crucial to maintaining membership loyalty and organisational well-being in the longer term.

The second dimension of this debate concerning the interaction of organisational strategy and effectiveness relates to union democracy. While registration status within the arbitration system requires a measure of representative democracy, the centralised nature of arbitration and other centralised processes affecting state sector workers placed a premium on the development of relationships between union officials, employer organisations and state institutions rather than union members, employees and individual employers. In this environment workplace organisation and participative (as distinct from representative) union democracy remained underdeveloped. In the context of decentralising regulatory systems, it has been argued that greater union membership involvement in the workplace is not just a desirable organisational goal in itself, but is also necessary for the more effective achievement of union goals and the longer term survival of unions (Fairbrother 1986; O'Brien 1999).

Discussions of union strategy and legitimacy in Australia have until recently been cast within the framework of 'dependency theory', i.e. the effect of arbitration on union strategy and behaviour. Howard argued that unions were weakened by their incorporation into the state via the arbitration system (Howard 1977). Scherer, on the other hand, argued that unions were strengthened by arbitration. He argued that militant and strategically located unions were able to legitimise and extend their gains made outside the immediate sphere of influence (Scherer 1985). While there has been considerable discussion of the effect of arbitration on unions (Gahan 1999), there is a strong consensus that workplace based unionism has been underdeveloped in Australia because of the necessity for unions to operate within a centralised framework. With the decentralisation of the regulatory framework and the changing role of the state within that environment, an argument has emerged that one of the keys to arresting union decline and enhancing union effectiveness is the development of a workplace-based model of union organisation (Peetz 1998). This has been accompanied by a concerted effort of the Australian Council of Trade Unions (ACTU) to persuade unions to shift more towards a more 'active' organising / bargaining model of union activity and away from a more 'passive' servicing model of unionism (ACTU 2003).

Historically, unions organising state sector unions have a somewhat different experience with arbitration. Many unions organising professional and quasi-professional workers were denied full access to state-level arbitration until the 1970s and it was not until the 1980s that many categories of public sector workers were able to seek registration in the federal arbitration jurisdiction. Moreover, the salaries and working conditions of public sector workers were primarily determined by intermediary bodies such as public service boards, acting as the agents of governments (O'Brien 1999). This was a different model of centralisation. If workplace organisation was hampered in state sector unions it was more a reflection of the desire of governments to maintain control of their own employees through centralised processes, rather than the incorporation of public sector unions through arbitral mechanisms. Nevertheless, the centralised bargaining structures faced by state sector unions also led them towards more centralised approaches to bargaining that gave lesser emphasis to workplace-based organisation and strategy. Since the late

1980s, federal governments have been using their centralised powers as employers and paymasters of public sector workers in order to drive an apparently decentralised industrial agenda. In order to understand union responses, it is necessary to clarify the degree of decentralism in the agendas of successive Labor and Coalition governments.

The limits of decentralism in APS bargaining structures

THE LABOR HYBRID MODEL: The organisational structure of the CPSU was largely a legacy of the structure of the employment framework in the federal public service from the 1920s until the early 1990s. The employment structure of the APS had been highly centralised with common classification and payment systems across the service. Many of the employment arrangements were established in legislation and service-wide determinations were made by the Commonwealth Public Service Board acting as the employing authority. The regime was modified, in part, by public service unions' access to arbitration. This highly centralised regime was modified somewhat in the 1980s, with agencies and departments given greater responsibility for personnel arrangements. When the Public Service Board was abolished in 1987, its functions were divided between the Department of Finance, the Department of Industrial Relations and the Public Service Commission. Moreover, the multiplicity of small agencies and departments were consolidated into a number of large ministries usually under the political supervision of a Cabinet Minister. The three central agencies largely maintained supervision of employment and industrial relations arrangements on behalf of the government. Even when the Labor government experimented with a modified version of agency-level bargaining between 1992 and 1995, the service-wide employment structures remained largely in place.

In the early 1990s the Labor government established a bargaining structure within the APS that incorporated both centralised and decentralised elements. In 1992 an agreement was signed with 27 public sector unions providing for the development of more flexible employment conditions in exchange for an overall wage adjustment. Agency managements were permitted to make agreements with unions operating within an agency. Those agencies that were able to make an agreement were required to return some of the savings to a central fund that would be used to pay wage increases to agencies where no agreement had been reached. The CPSU had resisted this 'foldback' mechanism, but eventually had to accept it. The resulting organisational difficulties arose from the fact that the CPSU and its predecessors had been long used to bargaining centrally at the APS level. The union responded by negotiating agreements where it could, but it made no major organisational adjustments to meet the complications of this new bargaining environment.

The brief period of decentralised bargaining from 1992 to 1995 at least prepared the CPSU for the more challenging environment after 1996. Indeed in the view of the Department of Industrial Relations official who coordinated bargaining within the APS, the experience of decentralisation helped to revive a rather moribund federal public service union (interview with Yates 1999) although there was significant resistance to operating within such a system among the membership of the CPSU (O'Brien and O'Donnell, 1999).

THE COALITION'S 'LOOSE - TIGHT' MODEL: In contrast to the Labor government's model, the new Coalition government was determined to have 'real' agency level agreements without providing any incentive for some agencies to rely on any central funding arrangements beyond the normal level of wage supplementation of approximately 1.3 % provided annually to all agencies (Reith 1996). Nevertheless agency managements were not permitted to exercise absolute autonomy in making agreements with employees. All agreements had to conform to the government's general industrial relations policies as well as the specific parameters established by the government for bargaining within the APS. These parameters included a requirement that salary progression be based on 'effective performance arrangements'; that direct agreement making with employees be encouraged and that such agreements should displace APS-wide award arrangements where possible and that the process was to be supervised by the Department of Employment, Workplace Relations and Small Business to ensure adherence to government policy (Reith 1999; Yates 1998; O'Brien and O'Donnell 1999). The CPSU regarded the role of Department as the 'invisible' third party at the bargaining table (interview with senior officials 2004).

Thus the CPSU was faced with a bargaining structure that was operationally decentralised, but still had a significant level of central supervision. The CPSU sought to have bargaining take place within some APS-wide framework that had been the situation when the Labor government had experimented with a partly decentralised system in the early 1990s. The government declined to have such an arrangement, partly because it wanted to have agency level agreements replace APS wide arrangements and partly because it wanted to avoid accepting the CPSU and other public sector unions as bargaining partners (O'Brien and O'Donnell 1999). Whatever APS-wide arrangements remained would be the product of government unilateral choice rather than an outcome of bargaining with public sector unions. The CPSU then had to deploy resources developed for a centralised environment to a radically decentralised environment. Hitherto, the union had bargained centrally or used the Industrial Relations Commission to establish centralised arrangements. Whereas there was one set of industrial arrangements covering the federal public sector there are now over 200 agreements (interview with senior officers, CPSU 2004).

This increased demand on union resources was compounded by the service model of unionism on which the CPSU was operating. Its organisers and industrial staff were responsible for dealing with individual problems of members, whilst consultative structures and union facilitation mechanisms dealt with the more general issues that arose within agencies. This largely service model was located within an organisational framework that left much of the day to day work of the union to state and territory branches – particularly the three largest branches in New South Wales, Victoria and the Australian Capital Territory. While the national level of the union was not without power, it did not have the capacity to readily redeploy resources to meet the demands of a largely decentralised operational environment.

Ad hoc adjustment by the CPSU – c 1996 - 1999

The necessity to bargain could not, however, wait for a major organisational adjustment within the union. Industrial Officers and Organisers, together with delegates within agencies, had to proceed with bargaining. In doing so the union faced a number of major obstacles to effective bargaining. First it had to seek recognition by agency managements as the legitimate representative of employees. This was not a problem in agencies where the union had significant presence. In Centrelink, for instance, the senior management took a 'pragmatic' decision to bargain with the CPSU (interview with industrial relations manager 1999; interview with CEO 2004). Where union membership was lower – such as in the Department of Finance and the Department of Foreign Affairs and Trade – various methods were used to marginalise the role of the union. These methods included having non-union employee negotiating groups alongside union bargaining teams. In other agencies where the union had a stronger presence, it had to work around mechanisms designed to minimise its influence. The management of the Australian Bureau of Statistics, for example, established an elaborate employee consultative mechanism to go over the head of the union. This was of limited success as there was a strong tradition of rank and file organisation within the agency, although the union was not strong enough to prevent an agreement being made with employees directly rather than with the union (O'Brien and O'Donnell 1999). Instead of just bargaining the union had to establish its legitimacy to represent employees. So achieving recognition was a resource-intensive process even before bargaining took place. Moreover, where the draft agreement was unsatisfactory or the management put it to the employees directly, the union had to run 'no' campaigns – with mixed success.

Stretching its human resources to cater for a bargaining system was not the only problem faced by the CPSU. *The Workplace Relations Act 1996* had effectively limited one of the union's most effective industrial weapons in the public sector – selective bans in agencies where immediate damage could be inflicted on the employer. Hitherto, federal public unions could take selective industrial action such as banning certain activities without running the risk of employees being stood down for not working as directed. The absence of an effective 'no work, no pay provision' in the APS had meant that public sector unions could take selective industrial action without the necessity of organising all out strikes where members would be 'docked' for time lost. The clarification of the 'no work, no pay' provisions in the *Workplace Relations Act* was regarded by APS senior managers as the most effective sanction on union activity (Yates 1998). So without this industrial weapon the union were forced to organise industrial campaigns that relied much more on propaganda and interaction with members in order to mobilise activity. It is not surprising

that there has been a significant decline in industrial action in the form of strikes and selective bans in the APS in the last four years, although this, in part reflected a general decline in industrial action. Such a situation presented another level of organising complexity to the union.

Organisational structure of the CPSU: competing power centres

The union's slowness in responding to the first wave of decentralisation in the 1990s was probably related to the fact that it already undergone a major organisational change in 1987, following the amalgamation of the Administrative and Clerical Officers Association with the Australian Public Service Association (Fourth Division Officers) to form the Public Sector Union (PSU). This amalgamation largely reflected significant changes that had taken place in the APS as a consequence of the office restructuring process that had been wrought by the application to the APS of the 1987 structural efficiency principle. The formal distinction between 'permanent officers' and other 'employees' (mainly located in the fourth division) was made less sharp by the abolition of a wide range of clerical assistant positions and the evolution of six classification levels to cover most APS employees. A subsequent amalgamation brought together the PSU with the State Public Service Federation (the federal identity of state public service unions) to form the Community and Public Sector Union. This latter amalgamation was more driven by the ACTU union consolidation agenda rather than reflecting organisational developments within the APS and state public services, although one of the *ex post facto* justifications of the ACTU strategy was that it would prepare unions for a more decentralised bargaining environment. The CPSU and the SPSF still operate as largely autonomous entities.

The structure of the (C)PSU in the early 1990s reflected this amalgamation, with strong state and territory branches within a federal structure. While negotiations remained centralised much of the day-to-day work of the union was undertaken at the branch level. The three largest branches in NSW, Victoria and the ACT with the bulk of the membership carried most weight in the union (interview with senior officials, CPSU, 2004). Indeed in the early 1990s the leadership of the ACT branch was not factionally aligned with the federal office. Until the mid-1990s this fissure between the second largest branch of the CPSU and its national leadership was a source of disunity within the organisation that was manifested in arguments about union strategy and tactics. While the union operated within a centralised bargaining structure, it was not really a national organisation with a capacity for centralised political coordination.

Following the consolidation of federal departments in 1987, the CPSU, however, had begun to put more resources into delegate structures and began to develop the union along sectional rather than regional lines. So a number of agencies and departments with related functions were organised into a division with an elected secretary, who was usually a full time official of the union, and there were division councils made of members elected from the agencies within each division. Within the division there were a number of sections. The capacity to service the agencies, however, still lay with state and territory branches. Industrial officers and organisers from the state branches, usually with national industrial officers acting in a coordinating role, provided services to members. So while the structure of the union was modified to provide three power centres in the union – the national office, the state branches and the divisions – the industrial, financial and much of the organising resources remained within the state branches (interview with senior CPSU official 1999, interview with senior CPSU officials 2004; Cooper 2001: 429). While the rationale for developing the divisional and section structural was to shift resources into bargaining activities and away from servicing functions (Cooper 2001: 429-430), it is not unreasonable to conclude that the national leadership of the union saw the divisions as a counter balance to the state branches, particularly those branches who did not share the political outlook of the national leadership. The model usually involved a national official of the union fulfilling the role of the section secretary with industrial officers and organisers working within a particular section. So while the state officials were employees of branches, their work was largely determined by a division secretary who was more likely than not, located at the centre.

Decentralised bargaining structures and organisational adjustments

While the development of the sections may have been motivated by internal factors within the union, the development of operationally-decentralised bargaining structures after 1996 meant that the sections took on a rationale that fitted better with the new environment (Gepp 1999; interview with senior officials, CPSU 2004). In 1996 the CPSU realised that it needed to provide a more consistent service to its members across Australia. Union organisers used to spend up to 50 percent of their time dealing with individual grievances, perhaps 40 percent talking to members and 10 percent talking to non-members. The critical question for the CPSU was 'how do we have a model of unionism that will enable us to survive post 1996?' (interview with division secretary 2004).

In response to this question, the union decided that membership servicing was going to be undertaken nationally instead of at the individual or agency level and established a Membership Service Centre. It operates until 9.00pm and is staffed by 12 experienced organisers. They have access to all documentation in relation to public sector certified agreements and have been trained in areas such as occupational health and safety. The union claims that the Service Centre highlights the extent to which the CPSU has adopted the ACTU's organising model and adapted it to the public service environment (interview with a division secretary 2004). In addition, all the financial arrangements of the union were centralised. Prior to 1996 the union used to have eight sets of accounts that required auditing and this has been reduced to one. While this could be defended in efficiency terms, it also had the effect of giving the centre more control of the distribution of resources within the union. The strategy was to shift resources to supporting an organising model of the union with an emphasis on organising staff and less emphasis on administrative support staff. This is symbolised, rather curiously, by the fact that no CPSU office has a reception desk (interview with senior CPSU officials 2004). These initiatives enabled resources to be shifted to on the ground organising and to bargaining that had become a central and continuous part of union work. One division secretary, a long time full time official of the union, claimed that if these initiatives had not been taken then membership may have fallen up to 40 percent instead having been maintained at steady state in recent years (interview with a division secretary 2004).

Communication with members

The union's communication with its membership has changed from a series of publications by individual branches to one newsletter published nationally. In the early 1990s the national office of the union felt to need to publish a separate newsletter to its members in the ACT to counteract the leadership of the ACT branch that was led by a different faction from the national officers. While there was some resistance from some branches to this change, it has meant that the union has overcome the problem of different policy positions being outlined by different branches of the union in their publications. This, it was claimed, created problems in negotiations for the union as employers would highlight these inconsistencies in the Industrial Relations Commission. Members would also realise that contradictory views were being expressed by different parts of the union in official publications. Overall it made the union appear 'unprofessional' (interview with division secretary, 2004). Like many other unions the CPSU makes extensive use of its website to communicate with its members, although it is far from clear whether this improves communication or runs the risk of creating information overload for members. On the other hand, it is an additional and readily accessible form of communication when the union had difficulty gaining access to members in agencies that are not highly unionised. The legislatively-based limitations on access of union officials to workplaces forced the union to use less orthodox methods to make contact with members and non-members in particular workplaces.

At the office of the Australian Government Solicitor, where only between 10 and twenty percent of staff were members, the union had been aiming to improve what it perceived to represent a poor management offer for much of 2004. The union campaign involved talking to union and non-union members, although management had refused the union access to the organisation which had made organising increasingly difficult. The union conducted a survey of all staff and some 60 percent of employees signed a petition in support of the union. The question for the union though was how to communicate with non-members given the resistance by management to union access. One strategy adopted was to telephone all employees who signed the survey.

Union organisers were trained to follow a planned conversation guide to convey the message that if AGS staff wanted a union negotiated agreement they needed to join the union (interview with division secretary, 2004).

While these tactics were largely driven by a legislative environment, these initiatives took place in an organisation where there had been a significant shift of political power. Hitherto, power had been shared between the national officers and the regional secretaries. That power was largely shifted to divisions and particularly to division secretaries. Given that division secretaries were often national officials that shifted the balance from the regions to the centre. As a trade off the larger regional secretaries were often also division secretaries. This enabled key regional officials to exercise power within the new structure, but their power derived from their location in the division rather than regional structure. So power was shared between the regions and the centre but within a structure that had been largely promoted and established by the centre. So in order to deal with the challenge of continuous decentralised bargaining, the union needed to centralise its financial resources and its service capacities and recast its bargaining capacity where there was a sharing of power between the centre and the regions. What implications did this have for union democracy?

Centralised structures, organisational effectiveness and union democracy

It has been argued elsewhere that the achievement of union objectives in a decentralised bargaining structure is facilitated by operation of internal union democracy. Almost regardless of the formal union structure, unions are usually a coalition of forces, traditions and experiences that increasingly have to operate within a regulatory framework that encourages enterprise fragmentation over organisational unity. In this fragmented bargaining environment the operation of internal union democracy can assist in maintaining organisational solidarity (O'Brien 1999). Indeed it has also been suggested that decentralised bargaining itself can provide for union renewal along more democratic lines (Fairbrother 1986). On the face of it the CPSU gave primacy to organisational effectiveness in a decentralised environment, rather than emphasising the legitimising role of internal union democracy. Indeed with the reorganisation of the union into divisions rather than regions, and the centralisation of financial and servicing functions suggest that survival in the new bargaining environment required that the centre be strengthened over the periphery. This was, however, counterbalanced by the fact that regional secretaries were usually also division secretaries. Moreover, division councils were restructured to provide for a majority of rank and file members, albeit under the leadership of full time officials. One senior official, who was also a division secretary as well as a national elected officer, suggested that this rendered the divisions as the principal institutions of democracy in the union rather than the strategy of the union being dominated by the management committee located at the centre (interview with senior CPSU officials 2004). Of course, representative structures are not by themselves guarantors of internal democracy but at least they provide for the potential for the greater operation of internal democratic processes.

Conclusion

The paper has explored whether the CPSU's reorganisation enhanced the union's ability to cope with the increased demands of a more decentralised bargaining environment. In order to cope with the challenges of decentralised bargaining it was necessary for the union to centralise many its functions, with an associated shift of political power to the centre. Nevertheless, the reorganisation of the union's structures provided union officials with increased resources to devote to organising new members and to agency-level bargaining. The restructure has also enabled the union to transfer an increasing proportion of the resources devoted to individual grievances to experienced organisers in its Membership Services Centre. The reorganisation of the union could not address the reality of ongoing central oversight over the bargaining process in the APS by the Coalition Government though the union did insist that agencies resist the intervention of the Department of Employment and Workplace Relations.

The paper also examined whether the changes to the CPSU's structure provided the conditions for increased union democracy. Where the bargaining environment becomes increasingly fragmented, a focus on increasing internal union democracy may represent a key means of maintaining solidarity across a large number of work sites.

Decentralised bargaining may also enhance the prospects for union renewal along more democratic lines where unions embrace a more inclusive model of membership representation to facilitate union survival (Fairbrother, 1986; O'Brien 1999). The restructuring of the union into division councils with a majority of rank and file members provides the conditions for a new model of democratic legitimation in the union according to those division secretaries interviewed for this paper. Future research aims to gather the responses of workplace delegates themselves and to assess their perceptions of whether increased union democracy has occurred under this new structure.

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