

The Paradigm Shift in Australian Union Membership: A Tale of Compulsory Unionism

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Abstract: The decline in union density has arisen from a 'paradigm shift' in the determinants of union membership. This paradigm shift mostly reflects a change in strategies by employers and governments towards unions. The most important aspect of this change in strategy is changes in approaches to compulsory unionism. This paradigm shift also involves efforts by employers and governments to de-collectivise employment relations. One of the consequences of the de-collectivisation strategy is the de-unionisation of workplaces where unions are weakly organised. This paper describes the collapse in compulsory unionism; analyses unions under closed shops; estimates the impact on union density; discusses the broader context of this paradigm shift; questions whether this paradigm shift is leading to the supremacy of employee choice as the determinant of union membership; and looks to the future and some policy implications.

Introduction

The ABS does not collect data on compulsory unionism. However, a number of social surveys and opinion polls suggested that between 1969 and 1979 63 to 72 per cent of unionists were under closed shops (Rawson, 1978; APAS, 1979; Morgan, 1976, 1978). Subsequent studies showed a much lower rate of compulsory unionism. The 1988 Issues in Multicultural Australia (IMA) survey implied that 57 per cent of union members were employed in closed shops (Grimes, 1994). Rawson's 1990 survey indicated a figure of 54 per cent. Analysis of AWIRS90 data suggests that, amongst workplaces with 20 or more employees in 1989-90, approximately 54 per cent of employees were covered by compulsory unionism (Peetz, 1995). The most valid direct comparison of like and like is between Rawson's surveys, showing conscripts at 67 per cent of unionists in 1978 and 54 per cent in 1990 (Rawson, 1992).

If compulsory unionism had significantly fallen between 1976 and 1990, in the period from 1990 to 1996 it plummeted. Data from the Australian Election Survey (AES) conducted in March to June, 1996 indicated that 25 per cent of union members were in compulsorily unionised jobs. A figure of 28 per cent was produced from the New South Wales Labour Council Survey (LCS) of employees, undertaken through Newspoll in March, 1996.

Applying the proportions¹ in such surveys to the union density figures in the **Members** survey (using data from 1976, 1988, 1990 and 1995) suggests that, as a consequence, the proportion of employees in compulsorily unionised jobs has fallen from 34 per cent in 1976 (Rawson, 1978) to 23 per cent in 1988 (Grimes, 1994), 21 per cent in 1990 (Rawson, 1992) and around a mere 11 per cent in 1995. This is illustrated in Figure 1, which also shows that the proportion of employees who are non-members has increased as compulsory unionism has declined. Likewise, the proportion of employees who belong to a union and who are not in a compulsorily unionised job has increased as compulsory unionism has declined.

¹ An estimate of 33 per cent is used for 1995, based on interpolation of the trend from 54 per cent in 1990 to 28 per cent in, 1996.

Figure 1: Estimated composition of employment by union and job status, 1976-1995

During the late 1970s and 1980s, the incidence of compulsory unionism amongst employees was declining at nearly one percentage point per year. During the 1990s, it has been falling at double that rate. This trend will not abate; the new *Federal Workplace Relations Act* makes union preference and compulsory unionism illegal both for employees covered by the Federal system and for those outside the Federal system but within the reach of other Commonwealth powers.

We would expect that employers would initially have sought to remove compulsory unionism where it was easiest to do so. Hence the loss of compulsory unionism would tend to be concentrated in those workplaces where employees were already weakly attached to unions, particularly where the loss of closed shops arises from employer behaviour rather than legislation. Some evidence that this has happened can be seen through comparing the proportion of union 'conscripts' who would rather not be in a union at two points in time. The 1988 IMA survey indicated that up to 46 per cent of conscripts may have been unwilling (Grimes, 1994), and a similar figure was found in Rawson's 1990 survey. By 1996, however, the LCS (using a different question) indicated that only 33 per cent of conscripts were unwilling.

An objection could be made along the following lines: compulsory unionism arises where unions are strongest and where employees are most favourably disposed to unions. In this framework, compulsory unionism is merely a reflection of positive attitudes amongst employees towards unions, and the formal removal of it would not have much of an effect on union membership. In the next section I test this by looking at the performance of unions under compulsory unionism to test how well unions 'benefiting' from compulsory unionism supported their members.

Unions and employees under compulsory unionism

At this point it is necessary to outline the taxonomy on which this analysis is founded. A job in which the union status of the occupant is primarily determined by the choice of the occupant, that is by union propensity, is referred to as an **open job**. Where the union status of an employee is determined by the characteristics of the job rather than the choice of the employee, it is referred to as a **restricted job**. There are two types: **restricted union jobs**, arising usually from decisions by unions, management and/or tribunals that those jobs should be unionised; and **restricted non-union jobs**, arising from either employer attempts to prevent unionisation or union inability to contact and recruit employees. I refer interchangeably to employees in restricted union jobs as being in 'closed shops' or 'compulsorily unionised jobs'. My interest in this section is in comparing the perceived performance of unions benefiting from closed shops with unions whose members are in 'open jobs', mainly using data from SEMSE collected at around the start of the acceleration in union decline. Background to the non-ABS surveys referred to in this analysis can be found in Peetz (1996b). Differences reported in the text are significant at the five per cent level using chi square tests unless reported otherwise.

Union responsiveness

The Survey of Employees in Metropolitan Sydney Establishments (SEMSE) was undertaken by the author in 1990-91. In it, an index of union responsiveness was constructed (= .76), based on responses to three questions.² As shown in Table 1, union members in restricted jobs rated their unions significantly lower in terms of union responsiveness than did their counterparts in open jobs. Indeed, even *non*-members in open jobs gave unions at their workplace a slightly better *net* responsiveness score than union members in restricted jobs gave their unions. This is so despite their having a much more strongly anti-union ideological orientation than union members in restricted jobs (Peetz, 1995a). To illustrate — while 26 per cent of unionists in open jobs were dissatisfied with the way that 'unions here keep in contact with employees', dissatisfaction was 39 per cent amongst union members in restricted jobs.

Table 1:
Union responsiveness and compulsory unionism in SEMSE

	Union responsiveness index				Net score [†]	(N)
	high responsiveness (%)	neutral (%)	low responsiveness (%)	total (%)		
Union members in restricted jobs	39	15	46	100	-7	(262)
Union members in open jobs	53	16	32	100	+21	(236)
Non-members in open jobs	36	30	35	100	+1	(93)

(Source: SEMSE. Population: Employees in workplaces with 20 or more employees (Sydney area). This table is read across the rows. Note:[†] Net score = 'high responsiveness' minus 'low responsiveness')

More recently, the LCS shows a similar pattern. Both union members *and non-members* in open jobs were less likely to agree that 'unions at your workplace do a poor job at keeping in contact with their members' than were compulsorily unionised members (Table 2).

² These were: the statement that 'generally speaking, unions who have members here do what their members want them to'; the statement that 'unions who have members here really take notice of their members problems and complaints'; and satisfaction with 'the way that unions here keep in contact with employees'

Table 2:
Union responsiveness and compulsory unionism in the LCS

	Unions do poor job at keeping in contact -----				Net score [†]	(N)
	agree (%)	neutral (%)	disagree (%)	total (%)		
Union members in restricted jobs	64	0	36	100	-28	(48)
Union members in open jobs	45	4	52	100	+7	(147)
Non-members in open jobs	50	11	39	100	-11	(114)

(Source: LCS. Population: All employees. Differences are significant at five per cent level. This table is read across the rows. Note:[†] Net score = 'disagree' minus 'agree'.)

Employee participation in decision making at the workplace measured in SEMSE appeared to be weaker amongst employees in compulsorily unionised jobs than amongst other employees. Thus union members in restricted jobs were more likely to agree that unions did **not** help their members have a say in their work (33 per cent) than were union members in open jobs (22 per cent). (In LCS, 29 per cent of members under compulsory unionism said their union should be doing more about 'the chance to have a say in your work', compared to 21 per cent amongst members in open jobs, but with smaller sample size these lesser differences were not significant.)

The power of unions in workplaces with compulsory unionism appeared to be abating, compared to that of unions in workplaces under open jobs. This was evident in data from employees, delegates and managers, which indicated that union strength was declining most (or increasing least) amongst unions benefiting from union compulsion (Table 3). (For the managers and delegates caution must be exercised because of small sample size.)

Table 3: Perceptions of changes in influence of unions at the workplace

	Employees in restricted union jobs			Employees in open jobs			N
	rose	about the same	fell	rose	about the same	fell	
Perceptions of employees**	10	62	28	14	69	19	(690)
Perceptions of managers	18	53	29	32	46	22	(27)
Perceptions of union delegates	49	22	29	52	30	18	(23)

(Source: SEMSE. Population: Employees in workplaces with 20 or more employees (Sydney region). To enable comparisons with employee responses, responses for managers and union delegates are weighted to refer to the number of employees they represent. This table is read across the rows.

** Inter-group differences significant at one per cent level.)

While only 15 per cent of union members in open jobs in SEMSE said that they were now less satisfied with unions than they had been two years earlier, this was the case for 23 per cent of those in compulsorily unionised jobs.

The member to delegate ratio was higher for compulsorily unionised members in SEMSE. Likewise, in AWIRS the member to delegate ratio was higher in workplaces which had at least some employees covered by a closed shop, partly (but not entirely) because high member to delegate ratios and closed shops were both more common in larger workplaces.

If employees covered by union compulsion were more strongly inclined towards union membership than employees not covered by union compulsion, then we would expect de-unionisation of workplaces to be concentrated in workplaces which previously only had voluntary unionism. This would especially be the case as workplaces with closed shops had significantly higher union density than those without closed shops in the first place. It is possible to look at de-unionisation rates over a three year period using the panel dataset created by the 1990 Australian Workplace Industrial Relations Survey (AWIRS90) and the 1992 Workplace Bargaining Survey. These data show that, in fact, the difference between the de-unionisation rates of workplaces with closed shops (4%) and those without (5%) was not significant.

If unions maintaining compulsory unionism were active at the workplace and able to demonstrate the benefits of unionism to conscripts, then closed shops could be a useful part of an effective strategy for securing union membership over the longer term. The comparisons made here suggest that the reality is otherwise, and reinforce propositions put forward by Zappala (1992): that in the long run it may not be in unions' interests to rely on compulsory unionism because of the effect it may have on the quality of union services and on union activity and power.

The contribution of the collapse of compulsory unionism to the decline in union density

Approximately one-third of the decline in compulsory unionism over the period to 1990 can be attributed to structural change in the labour market — that is, the relatively strong growth of industries that have a low level of compulsory unionism. But the majority of it cannot be attributed to this, and must instead be explained by changes in employer strategies and the institutional framework. The acceleration in the decline of compulsory unionism since 1990 cannot be explained by any acceleration in the rate of structural change in the labour market.

One of the most notable aspects of the trend of union decline is that union density amongst employees who are not in compulsorily unionised jobs has remained fairly stable over time. As Figure 2 shows, union density amongst this group has remained between 23 and 26 per cent over the period, and was approximately 24 per cent in 1995.

Using a survey conducted in 1988 in which overall union density was 46 per cent (4 points above the ABS estimate), Grimes (1994) estimated that the average probability of a closed shop employee maintaining their union membership if compulsion was removed — I call it the 'retention ratio' — was between 35 and 54 per cent. (This compared with density amongst employees not in closed shops of 24 per cent). The higher estimate of the retention ratio (based on employees' stated propensity for union membership) would overstate the actual retention ratio. This is because, when employees are not in closed shops, their level of union density is below their union propensity.

Figure 2: Union density: overall and excluding compulsorily unionised jobs

For the purposes of estimating the contribution of collapsing compulsory unionism to the decline in union density, we assume (i) that the retention ratio was 10 percentage points higher in the 1990s than in the 1980s, on the basis that employers would remove compulsory unionism first where it was easiest; and (ii) that the retention ratio was 50 per cent in the 1990s. On those assumptions, the decline in union density attributable to the loss of compulsory unionism would be nearly 1.1 percentage points *per annum* over each of the five years, almost double the rate of decline attributable to the loss of compulsory unionism over the 1976-1990 period (approximately 0.6 percentage points per annum). This would account for around three quarters of the decline in union density over the 1990-1995 period (which proceeded, on the **Members** survey, at a rate of about 1.4 percentage points per annum over this period). These data are illustrated in Figure 3.

There are other factors, that are not necessarily demand-related, that contribute to the decline in union density. For example, structural changes in the economy have brought about an increase in the proportion of non-union workplaces.

More recently, the increasing casualisation of the labour force makes it more difficult for unions to organise and recruit employees. Over the period 1990-1995, casual employment increased from 19.4 per cent to 24.0 per cent of all employment. Differences between casual and permanent employees in their attitudes to union membership are non-significant in the LCS. However, union density amongst casuals is barely a third of that amongst permanent employees. Hence shift-share analysis reveals that the increase in casual employment in itself would have led to a drop in union density at a rate of 0.3 percentage points per annum, averaged over this five year period — mostly in addition to the decline arising from the withdrawal of compulsory unionism. (There is some overlap as the probability of being in a compulsorily unionised job is lower for casual employees (7% in the LCS) than for permanent employees (12%)).

Figure 3: Contributions to declining union density

The shift from public to private sector employment since the early 1980s would also have contributed to declining union density. Between 1990 and 1995, the public sector share in employment fell from 30.8 per cent to 25.1 per cent. This would be associated with an annual drop in union density of 0.2 percentage points per annum over each of the last five years. This is wholly additional to the effect arising from the fall in compulsory unionism, as compulsory unionism is less common in the public sector, but it overlaps with the casualisation effect.

The paradigm shift in the determination of union membership

Price and Bain (1989) proposed that, while relationships governing union membership would mostly be stable and cyclical (explicable by business cycle variations), at particular times there could be fundamental changes or 'paradigm shifts' to those relationships. These paradigm shifts emerge from particularly forceful conjunctions of social or economic events and powerful alliances of some of the participants in industrial relations, and alter the institutional arrangements surrounding the employment relationship. A paradigm shift creates 'new patterns in the context of industrial relations', principally changes in 'labour laws and the powers and roles of regulatory agencies, employer policies towards unionisation and collective bargaining, and union structures, political activities and ideologies' (Chaison and Rose, 1991). According to Price and Bain, the changes in union fortunes in the US and UK are attributable to paradigm shifts which have fundamentally altered the determination of union membership. While, as Mason and Bain (1993) argue, their

exposition probably gives too much credit to business cycle explanations of movements in unionisation between paradigm shifts, the notion of 'paradigm shifts' represents an important advance in understanding the determinants of union membership.

Australia, like New Zealand, experienced a paradigm shift in industrial relations with the establishment of the arbitration systems in the 1890s and 1900s. **And Australia, like New Zealand, has been going through a new paradigm shift in the determination of union membership, probably since around the mid-1980s.**

In this second paradigm shift, **the de-collectivisation of the employment relationship is being actively pursued by, to varying degrees, employers and the State**, after nearly a century in which collective employment relationships were accepted, often grudgingly, as the norm. Individual contracts are being promoted by employer associations, individual employers and governments as the best means of developing a 'close' or 'meaningful' relationship between employers and employees. Almost all State governments, and now the Federal government, have introduced laws facilitating the use of individual contracts as an alternative to collective regulation.

This de-collectivisation principally involves **challenges to the ability of unions to represent employees, but also involves challenges to the legitimacy of arbitral authorities to regulate the employment relationships governing those employees who are not members of a union.** In most systems, the signing of an individual contract (commonly called a 'workplace agreement' or something similar) takes the employee beyond the jurisdiction of a tribunal, except to the extent that tribunal decisions may affect the minimum standards for contracts when they are first signed.

Critically, the **availability of union compulsion is ceasing to be a significant determinant of union membership, as employers withdraw support for such arrangements and as the state de-legitimises them.** In the context of the arbitral system, compulsory union membership had become the most common form of union membership in Australia (technically, the federal tribunal could not require union membership, it could only award preference to union members, and the majority of compulsory arrangements arose from employer-union agreements or practices, not tribunal decisions (Callus *et al.*, 1991)). A circumscribed arbitral system persists in Australia (unlike in New Zealand), but most State governments, and now the Federal government, have introduced laws to make compulsory unionism illegal. The great bulk of the fall in compulsory unionism is attributable to changes in state policy and employer strategy.

At the margins, where unions exist but they are weakly organised and represented, union members are being picked off by employers seeking alternative employment relationships. In some cases, employers and unions are in a form of 'hearts and minds' competition — or some might say an 'auction' — in which the employer seeks to wean employees from attachment to unions by offering them seemingly attractive, individualised employment relations. (The key thing for employers is obtaining an individualised employment relationship, not necessarily being able to get 'closer' to their employees.) In many cases where unions are weakly represented and organised (as measured, for example, by the absence of union delegates or the non-involvement of unions in bargaining), members are walking away from unions that are simply seen as doing little or nothing for their members — not least where poor union performance arose from the complacency bred by compulsory unionism.

In this paradigm shift, **the role of 'demand' and 'supply' related factors is changing** — a point that will be returned to shortly.

While the paradigm shift occurred more rapidly, and has been completed, in New Zealand, it is still under way in Australia. With the passage of the *Employment Contracts Act* with effect from May, 1991, compulsory unionism, previously very common in New Zealand, was made universally illegal. Union membership fell by 29 per cent in one year, and has continued to fall since. In Australia the demise of compulsory unionism has been spread over a number of years. This is perhaps partly because employers in Australia were initially more divided and less belligerent against unions and compulsory unionism than in New Zealand. But the main reason is probably that the

transformation in the legislative treatment of compulsory unionism has been more incremental as a result of the different timetables within which State legislatures, and finally the Federal Parliament, have sought to abolish compulsory unionism. The main impact of the Accord on the decline in union membership was to ease the rapidity of the paradigm shift and to change (at least temporarily, perhaps with lasting effect) some of detailed institutionalised arrangements eventually put in place.

A brave new world of employee choice?

As mentioned, in this paradigm shift, the role of 'demand' and 'supply' related factors is changing. On the supply side, the factors that influenced the incidence of closed shops need no longer have a role in determining union membership. This in turn might suggest a much greater role for demand-related factors in determining union membership.

But the removal of the closed shop, and of related mechanisms such as tribunals' capacity to award preference to union members, also removes an impediment to employer resistance to unions. It therefore makes it easier for employers to establish and maintain non-union workplaces. This in turn can reduce the role of demand-side factors in determining union membership.

In this context, it is important not to fall into the trap of believing that the level of union density outside of closed shops represents the 'true' level of demand for union membership. In fact, in the LCS some 52 per cent of employees agreed that, if they were free to choose, they would rather be in a union than not be in one – yet only 34 per cent of employees were union members.

Table 4 shows the extent of consonance and dissonance between employees' preferences regarding union membership (union propensity) and their membership status, over three surveys. In SEMSE, some 53 per cent of employees who preferred not be in a union were union members, while 15 per cent of those who preferred to be in a union were non-members. By the time of the AES in 1996 the situation had dramatically changed. Only 18 per cent of employees who preferred not to be in a union were now union members, but 35 per cent of those who preferred to be in a union were non-members. Similarly, the 1996 LCS showed that 13 per cent of employees who preferred to not be in a union were members, but 47 per cent of those who preferred union membership were non-members.

Part of the difference between SEMSE and AES results arose from different samples. SEMSE did not include employees from workplaces with less than 20 employees, nor did it include any employees from 'informal' workplaces (Callus *et al.*, 1991) – non-union workplaces without structured management. It thus overstated union membership and understated the proportion of those employees preferring union membership who were non-members. However, a significant part of the difference between the two surveys reflects changes over the five year period. Compulsory unionism declined, while employer resistance to unions increased, leading to a decrease in the share of employees who preferred not to be in a union that were union members, but an increase in the share of those who preferred to be in a union that were non-members.

Table 4: Union density by employee preferences (union propensity)

	SEMSE (1990-91)			AES (1996)			LCS (1996)		
	Union member	Non-member	N	Union member	Non-member	N	Union member	Non-member	N
Would rather be in a union	85	15	(386)	65	35	(283)	53	47	(278)
Neutral (neither agree nor disagree)	65	35	(209)	32	68	(174)	23	77	(23)
Would rather not be in a union	47	53	(242)	18	82	(304)	13	87	(260)

Table 5 presents these same data in an alternative manner – by focusing on those employees whose preferences were inconsistent with their membership status, and expressing them as a proportion of all employees. Thus in SEMSE, some 21 per cent of employees had membership status inconsistent with their preferences. Of these, approximately two thirds were members who would rather not be in a union. At the time of AES, the overall proportion of employees whose membership status was inconsistent with their preferences, at 20 per cent, had hardly changed. But by then barely one-third were members who would rather not be in a union; the remainder were non-members who would rather be unionised. LCS shows a higher level of dissonance again (30%), but this is largely a reflection of the lower proportion of ‘neutrals’ identified through a question framed to discourage respondents from sitting on the fence.

Table 5: Inconsistency between membership preference and union membership status

	SEMSE (1000 01)	AES (1006)	LCS (1006)
Non-member, would rather be in a union (% of all employees)	7	13	24
Member, would rather not be in a union (% of all employees)	14	7	6
Total, preference inconsistent with membership (% of all employees)	21	20	30
N	(837)	(761)	(561)

North American studies have shown that between 27 and 32 per cent of non-union employees would prefer to be unionised but do not have the opportunity (Kochan, 1979; Hills, 1985; Leigh, 1986; Farber, 1990; Princeton Survey Research Associates, 1994). Less than half of US employees who wished to be in a union were actually in one (see also RIALS, 1993 on Japan). The results here show Australian union membership status moving closer to that prevailing in the US and Japan: in 1996 between 21 per cent (AES) and 37 per cent (LCS) of Australian non-union members would rather be in a union, and little more than half of Australian employees who wished to be in a union were actually in one.

The key thing that emerges from these data is that the demise of compulsory unionism does not mean that this paradigm shift has brought us to a brave new era where employee preferences prevail, because (just as) many people will still have a membership status that is inconsistent with their membership preference. As the demise of compulsory unionism ensures that fewer people who do not want to be in a union have to be in one, it equally is associated with an increase in the number of people who want to be in a union but are not. Amongst non-members in the LCS who wanted to belong to a union, some 39 per cent (that is, almost 10 per cent of all employees) said that their employer would not want them to join a union; this group alone easily outnumbers the unwilling conscripts to unions. As well, those employees who would be relatively undecided are being strongly pushed in the direction of not joining, whereas previously a significant proportion of them would have ended up as members.

In short, the demise of compulsory unionism does not signal the ascendancy of demand related influences and the supremacy of employee preferences. Rather, it means that the way in which demand and supply related factors influence union membership has been transformed - in effect, making it much harder for unions to recruit and retain members. Rhetoric surrounding the legislative prohibition of compulsory unionism centres on the notion that prohibition ensures employees' freedom of choice on union membership. This analysis challenges that notion. Any regulation regime will produce a significant group of employees whose preferences do not match their membership status.

The future for compulsory unionism

The final outcome of the paradigm shift in the determinants of union membership will depend on union responses. While employers have been seeking to de-collectivise employment relations, it

does not follow that a general de-collectivisation must occur. Nor does it follow that unions have necessarily lost their legitimacy in representing employees.

However, it is clear that there has been a permanent and irrevocable departure from earlier patterns of compulsory unionism. As the new Federal laws help eliminate the remaining vestiges of compulsory unionism, overall union density can be expected to continue to decline. Figure 2 would imply that, when the demise of compulsory unionism is completed, overall union density would probably be around 25 per cent (and considerably lower in the private sector). The actual figure is likely to be slightly higher – say 27 or 28 per cent – because there will still be some workplaces where management and unions informally (or, in New South Wales, legally) retain such arrangements, and removing compulsion from some remaining genuine union strongholds will not have such an effect on union membership. Still, we would expect density to fall to around this level within the next couple of years, as the Federal laws take full effect.

Moreover, it would be counter-productive in the longer term for unions to seek to rebuild compulsory unionism on the basis on which it previously existed. It appears that compulsory unionism can lead to atrophy in union organisation. Closed shops have been associated with less responsive behaviour from unions, declining union satisfaction and power and ineffectiveness in promoting employee voice.

A key question is, what will happen to union density after it reaches this level? With the demise of compulsory unionism, we are in a period with a new set of determinants of union membership. Critical amongst these is the performance and organisation of unions at the workplace level. It is notable that the ACTU has recognised the key role played by workplace union organisation in determining the future direction of union membership. Considerable commitments have been made to boost the presence of union delegates and to organising and recruiting members. Their efficacy has yet to be seen in the aggregate union density figures, presumably partly because any impact that they have had would so far have been swamped by the demise of compulsory unionism and the effects of de-unionisation in weakly organised workplaces.

Much will also depend on how unions react to the new legislative environment. Certainly, there would seem to be little point in attempting to maintain compulsory unionism arrangements against the wishes of employees and employers when the weapons of the state are lined up and awaiting such actions. It is worth noting, for example, that the Federal Employment Advocate will be able to initiate actions on its own motion against unions for breaches of the ‘freedom of association’ provisions of the foreshadowed *Workplace Relations Act* – a power that the Employment Advocate does not have in relation to breaches of individual contracts (Australian Workplace Agreements). More generally, there are a range of sanctions provisions in the legislation (particularly in the secondary boycotts area) that, if activated, could create severe resource crises for unions, threatening their capacity to provide even the most basic of services and therefore threatening their ability to maintain their members. Unions will have to think strategically, rather than philosophically, to avoid setting off the trip wires that have been laid.

There is also, however, a broader public policy question. If, as many of the advocates of ‘voluntary’ unionism argue, employees should have the right to freely choose whether or not to belong to a union, there needs to be a reconsideration of the blanket approach that has come into effect in most jurisdictions, because one consequence is to facilitate increased employer resistance of unions and the narrowing of employee choice. While it is not possible to have a form of regulation which ensures that all employees are totally free to choose their membership status, it should be possible to have a more balanced form of regulation than now exists.

One area for consideration is the ability of tribunals to grant union preference. Only a minority of compulsory unionism arrangements at the time of AWIRS arose from tribunal decisions and awards. Typically, the Australian Industrial Relations Commission had used union preference clauses, now banned, as a means of preventing discrimination against non-unionists. There is no good reason for preventing it from being able to exercise that power for the specific reason of preventing such discrimination. Other possible elements to a more balanced form of regulation need to be considered and debated. However, the pattern of public policy changes that have been

introduced during the 1990s is very consistent across most jurisdictions. It does not suggest that any priority has been placed on achieving such balance in recent times.

References

- Australian Political Attitudes Survey (APAS) (1979) Frequencies code book and computer file, School of History, Politics and Philosophy, Macquarie University, Sydney.
- Callus, R., Morehead, A., Cully, M. and Buchanan, J. (1991) *Industrial Relations at Work, Department of Industrial Relations*. Canberra: AGPS.
- Chaison, G.N. and Rose, J.B. (1991) 'The macrodeterminants of union growth and decline.' In G. Strauss, G.D. Gallagher and J. Fiorito (Eds), *The State of the Unions*. Madison, WI: Industrial Relations Research Association, pp. 3-46.
- Farber, H.S. (1990) 'The decline of unionisation in the United States: what can be learned from recent experience?' *Journal of Labor Economics* **8**(1), Part 2, January, s75-s105.
- Grimes, P.F.M. (1994) 'The determinants of trade union membership: evidence from two Australian surveys', PhD thesis, Research School of Social Sciences, Australian National University, Canberra.
- Hills, S.J. (1985) 'The attitudes of union and non-union male workers toward union representation.' *Industrial and Labor Relations Review* **38**(2): 179-194.
- Kochan, T.A. (1979) 'How American workers view Labor unions.' *Monthly Labor Review* **102**: 23-31.
- Leigh, D.E. (1986) 'Union preferences, job satisfaction and the union-voice hypothesis.' *Industrial Relations* **25**(1): 65-71.
- Mason, R. and Bain, P. (1991) 'Trade union recruitment strategies: facing the 1990s.' *Industrial Relations Journal* **22**(1): 36-45.
- Morgan Gallup Poll (1976) 'What Australians think about trade unions', MGPN 361A, May.
- Morgan Gallup Poll (1978) 'Most against compulsory unionism', Finding 594, Melbourne, November.
- Peetz, D. (1995a) 'Union membership, labour, management and the Accord', PhD thesis, School of Industrial Relations and Organisational Behaviour, University of New South Wales, Sydney.
- Peetz, D. (1995b) 'Deunionisation.' Paper to *Ninth Conference of the Association of Industrial Relations Academics of Australia and New Zealand, Melbourne, February*.
- Peetz, D. (1996a) 'Unions, conflict and the dilemma of cooperation'. *Journal of Industrial Relations* **38**(4).
- Peetz, D. (1996b) 'The Accord, compulsory unionism and the paradigm shift in union membership.' Paper presented to seminar, *Reshaping Australian Institutions Project, Australian National University, Canberra, December*.
- Price, R. and Bain, G.S. (1989) 'The comparative analysis of union growth.' In *Recent Trends in Industrial Relations Studies and Theory, 8th World Congress, International Industrial Relations Association, Brussels*, pp. 99-110.
- Princeton Survey Research Associates (1994) *Worker Representation and Participation Survey: Top-Line Results*. Princeton NJ: Princeton Survey Research Associates.
- Rawson, D. (1978) *Unions and Unionists in Australia*, George Allen and Unwin, Sydney.
- Rawson, D. (1992) 'Has unionism a future?' In M. Crosby and M. Easson (Eds), *What Should Unions Do?* Sydney: Lloyd Ross Forum/Pluto, pp. 2-15.
- Research Institute for Advancement of Living Standards (RIALS) (1993) 'Trade unions – present and future.' *Report Issued by the Committee on Industrial Relations, Rengosoken, Tokyo, January*.
- Zappala, G. (1992) 'Should unions support the closed shop?' In M. Crosby and M. Easson (Eds), *What Should Unions Do?* Sydney: Lloyd Ross Forum/Pluto, pp. 296-315.

