



HELP! MY DEPARTMENT IS RESTRUCTURING!

We are grateful to some historian representatives of the National Tertiary Education Union for this advice, especially to Dr Matthew Allen.

1. *Know your Enterprise Agreement (EA) and university policies*

It is almost always the case that restructures breach your university's EA and/or employment policy. There are lawful ways to restructure and make people redundant, but executives can rarely be bothered to pursue them because it's much easier and more satisfying to simply decide. A key clause in most university EAs is what is often termed 'Major Change'—typically these clauses will require the employer to meaningfully consult with staff and/or unions before undertaking restructuring or redundancy. While these clauses are typically ambiguous and hence contestable, they provide a lever with which collective action can have an impact on decision-making. Dispute clauses are another key component of agreements and typically allow individual employees, individually or collectively, including through their union, to contest decisions, potentially to the Fair Work Commission. By insisting that the agreement and policy is followed it is often possible at least to delay these processes and delay is important because it gives you time for other and more effective actions. This last point needs to be emphasised: appealing to agreements and policy is useful and necessary but rarely sufficient. Resisting restructuring is more about politics than law. More broadly, the better you know your EA and Policy the more likely it is that you can think of ways to slow down, resist and appeal any restructure.

2. *Resist / refuse / appeal*

It is now unlawful to take strike action in most circumstances in Australia, and in universities it is unlawful outside of Enterprise Bargaining and without taking what is called a Protected Action Ballot.

However, restructures and even staff cuts almost always depend on the workers doing the actual work and there are many ways to lawfully resist and/or refuse to do so, and that are relatively safe if done collectively. For instance, if undergraduate units are to be cut, staff will almost always have to recommend them and complete the bureaucratic paperwork necessary to delist them. This is work—additional work on top of existing workloads—and if adequate provision is not made to resource it then it may well be reasonable to refuse. I offer this only as a hypothetical example. Affected historians will need to think about the specifics of their workplace and devise strategies accordingly. Similarly, universities are now massive bureaucracies and there are almost always ways to use such bureaucratic processes to appeal bad decisions.

3. *Consider joining your union*

Resisting restructures has to be done collectively because individuals expose themselves to much greater risk. There are also important protections that come from union membership and specifically from being a union delegate (which has a technical meaning in industrial law). And your union can provide industrial advice and support.

4. *Practice solidarity*

Irrespective of whether everyone is a union member, collective approaches are always more effective because of the power imbalance between executives and staff. The more broad the collective, the more powerful it is—seek to include as many professional staff as possible in your activities. The first thing to do when you hear about a planned restructure is to call a meeting of potentially affected staff and talk about what you can do as a group. When we are isolated we are easily picked off, but collective action is empowering.

5. *Use the media*

Publicity, both within the university and more broadly, is vitally important. University executives are scared of negative press coverage and reputational damage among students and the public. Equally, though, it can be hard to get media interest in university restructuring. Finding ways to make the story of what is happening compelling for the media is crucial. Letting students know what is happening and (hopefully) having them complain and support the campaign is also important (though staff will need to be careful not to breach university policy in doing so).

6. *Let the AHA know*

The AHA would like to keep informed about all threats to History in Australia. We can help you access the media, support solidarity, and connect you to assistance. If you are a member, you are not alone.

7. *Remember wellbeing*

Restructures are often harmful to mental health, especially when plans are developed without meaningful consultation and announced in ways that make staff fear for their jobs. All universities should have a system of Health and Safety Representatives (HSRs), who have the power and responsibility to report hazards and incidents, including psychosocial hazards and workplace harms, to Safe Work—the workplace health and safety regulator. At the very least this will delay the process and provide an angle that is more likely to interest the media.