

Performance Pay for Teachers: The View of the NSW Teacher Unionsⁱ

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Pay for Performance and the NSW Teacher Unions

Abstract

Finding ways to recruit and retain quality teachers has become subject of a political and educational debate both in Australia and internationally; a debate which has, in part, focussed on the adoption of performance based pay schemes. This paper reports on research undertaken in 2008 on the approach of the NSW Teachers' Federation and the NSW/ACT Branch of the Independent Education Union to performance pay. The findings show that both unions oppose the introduction of performance pay arguing that such systems negatively affect teachers' work, that they would inappropriately individualise the employment relationship and that they rely on job standardisation and performance evaluation methods which are inconsistent with effective teaching and learning.

Introduction

Performance management and changing pay systems aimed at enhancing employee motivation and commitment have been recognised as major levers for the adoption of human resource management (HRM) practices. Performance pay essentially seeks to link work outcomes for individuals, or sometimes groups, with rewards; monetary bonuses and the like. Some pay for performance systems may have 'at risk' elements so that failure to achieve the required outcome means lower remuneration. These systems align with HRM approaches which conceive organisations as unitarist entities in which individuals are rewarded for working beyond contract. Similarly by measuring and rewarding (largely) an individual's performance, such pay systems can be considered to be part of HRM's tools to reduce collective voice mechanisms (Edwards, 1995; Kelly, 1999; Kaufman, 2001). In a comparative study of Canadian and Australian firms Long and Shields (2005) found that performance pay systems tended to lower levels of collectivism, increased management control and decreased union membership. Perhaps not unsurprisingly, the research found overwhelming evidence of the unions' disdain for performance pay systems. At the same time, other research points to the need for employee voice to be considered in the planning and implementation phases as a key variable if the system is to be successful (DEST, 2007; Ingvarson et al., 2007).

This paper reports on research undertaken in 2008 to determine and assess the views of the unions representing teachers in the public and private (non-government) school systems in New South Wales to performance pay. The unions were the NSW Teachers' Federation (NSWTF) and the Independent Education Union (IEU) – principally the NSW and ACT Branch. Data was gathered using semi-structured interviews and documentary sources. The first section reviews performance pay generally, the second discusses the evidence of how it has been applied in teaching and the paper concludes with an analysis of the research results.

Performance-based pay

Performance pay is an incentive scheme where monetary rewards are given in addition to an employee's base salary and aims to reinforce positive employee performance (Bratton and Gold, 2003). Hanley and Nguyen (2005:143) state that '[performance-related pay] encompasses the notion of "payment by result" involving financial reward based on an assessment of individual performance'. Performance pay provides an explicit link between financial rewards and individual, group or company performance (Armstrong and Murliss,

1991). There are three main forms of performance pay: knowledge and skill based; merit pay; and, organisation based performance pay (DEST, 2007; Ingvarson et al., 2007). Knowledge and skill based systems aim to reward employees who gain new skills and continuously update their knowledge base. Merit pay is a percentage increase in financial rewards as result of task accomplishment or increased performance. Merit pay is an attempt to link employee tasks to corporate goals. Organisational performance based pay rewards employees based on whether the firm has achieves its objectives. It's widely argued that pay for performance systems, by motivating employees to perform at higher levels, lifts organisational performance (see, for example: Booth and Frank, 1999; Belfield and Marsden, 2003; Risher, 2003; Fletcher and Williams, 1996; Beer et al., 2004; Helm et al., 2007).

Given the claimed effectiveness of pay for performance measures there is evidence that the systems are being increasingly adopted for non-managerial employees. Long and Shields (2005), for instance, in researching a broad cross section of industries operating in Australia and Canada including mining and resources, financial services, transportation, accommodation, retail, utilities and other services found that almost 90% of the surveyed organisations had adopted pay for performance in some form with merit pay being the primary method. Group pay, for example team-based performance pay, had the lowest usage with highly collectivist and unionised industries experiencing the lowest incidence of performance pay.

According to survey research by Patrickson and Hartmann (2001), performance appraisal and evaluation systems are used in over 85% of Australian organisations. The researchers concluded that linking individual performance measurement to salaries has become more popular as the number of employment contracts that allow salary, bonus and benefits variations increases in jobs which are similar. Performance appraisal and performance related pay have been common for executive and managerial positions for a number of years. The use of these approaches for non-managerial workers is slowly rising in response to the rapid growth in executive salaries compared to general worker wages (*ibid.*). Pay for performance systems are slowly being adopted in public services and non-managerial positions as a way to reward staff for their performance and in an effort to attract and retain high quality employees (Shelley, 1999; Patrickson and Hartmann, 2001).

As to the views of unions on pay for performance systems, a study by Hanley and Nguyen (2005) found that, with the exception of one white collar union, Australian unions are opposed to both pay for performance and performance appraisal; the principal concerns being over increased managerial control, discrimination and work intensification.

The teaching profession and performance-based pay

A general concern exists in government and the wider community over ensuring that quality teaching occurs in schools. In part, this concern arises from the number of the most experienced and skilled teachers - the 'baby boomers' - who are expected to retire over the next five years. The Audit Office of NSW (AONSW, 2008: 21) estimates that the NSW Department of Education and Training projects that by the year 2016 50% of teachers – almost 25,000 - will reach retirement age. Heightening this concern is the resignation intentions of beginning teachers. A survey by the Australian Education Union (AEU, 2007:1) found that '47.9% believed they would not be teaching in the public system in 10 years time. This is despite 49.5% saying they had changed careers to start teaching ... 55.5% said they would leave the public system and would be working in another industry'. The major reasons teachers gave for leaving the profession were 'Workload 60.4% [and] Pay 59.8%' (*ibid.*: 1).

Other issues confronting teachers include the poor image and appeal of the profession (AEU, 2007; Healy, 2007).

One proposal to address these issues is for the implementation of performance pay; a proposal which has been articulated in a flurry of recent reports. The Productivity Commission research report, *Public Support for Science and Innovation* (Productivity Commission, 2007) highlighted concerns regarding the level and structure of teachers' pay and argued that greater flexibility in pay and related reward structures for teachers would make teaching more attractive and would help to address the ongoing shortage of high quality teachers (*ibid.*). A major report prepared by the Commonwealth Department of Education, Science and Technology (DEST) published in 2007 found that many of the systems trialled in US schools since the 1980s had proved ineffective but other studies showed positive improvements in teacher, school and student performance as a result of the implementation of pay for performance. DEST (*ibid.*: 33) concluded that a system's effectiveness appeared to be a function of a number of conditions, *viz.* that they are developed in conjunction with, rather than for, teachers and use multiple, credible and objective measures of teacher skills and student progress. In the report prepared for the Australian Council of Educational Research (ACER) they contended that: teachers are motivated by improving student results and enjoyment at school; better pay incentives and career prospects encourage the recruitment of new teachers and aid staff retention and that teachers are more willing to accept pay schemes which recognise high standards of teaching (Ingvarson, et al., 2007). Further, and on the issue of rewards schemes specifically, the report argued (*ibid.*:39):

The fact is that many previous attempts to change teacher compensation were ineffective at motivating higher teacher performance because most of these programs were implemented with flawed understanding of the psychological theories of worker and teacher motivation and poor understandings of the school organisational context.

The discussion in these reports is broadly consistent with the other literature. There is evidence that merit pay schemes may have little effect on the performance of teachers and the outcomes of students (Johnson, 1986). Equally, some studies suggest that performance-related pay may be beneficial if implemented correctly - the cardinal issue being how teacher performance is to be assessed (Bouchamma, 2005; Hanley and Nguyen, 2005; Ingvarson et al., 2007). In other words, it is difficult to evaluate and appraise teacher performance (Marsden and Belfield, 2006). Systems which focus solely on student assessment grades tend to fail (Darling-Hammond, 1992).

Methodology

As explained in the introduction, this research sought the view, policies and approaches of the NSW Teachers' Federation and the Independent Education Union – principally the NSW and ACT Branch - to performance based pay. Primary data was gathered from the informants using unstructured and open-ended interviews which lasted up to one and a half hours and which were conducted in 2008. Documentary sources from each union – relevant policies, resolutions of governing bodies, advice to members published in newsletters and the like - were also accessed. Content analysis was used to generate and validate themes; triangulate the data and, look for salient events (Lincoln and Guba, 2000). While the unions agreed to be named, the interviewees asked that their details be made anonymous. The interviewees for this study were:

1. A Senior Official of the NSW Teachers' Federation (Int-TFS, 2008)
2. An Organiser of the NSW Teachers' Federation (Int-TFO, 2008)
3. An Organiser of the Independent Education Union (Int-IUO, 2008)

All three interviewees had over twenty years as teachers and were experienced union officials. The Senior Official of the NSWTF provided the union's policy level perspective while the NSWTF Organiser presented the 'front-line' observations from their interactions with teachers in schools. For the IEU, their senior management's perspective was accessed from their publications particularly a those written by Chris Watt, the Federal Secretary - *Recognising Highly Accomplished Teachers or Performance Pay?* and *Recognising Accomplished Teaching*. The views of teachers at the 'chalk face' in independent schools were sought from the IEU Organiser. This interviewee advised teachers on the new IEU policies regarding teacher compensation and performance – as discussed below.

Documents accessed were those made publicly available to the unions' members and included resolutions of conferences, discussion papers, union journals and other communications with members.

Given the reliance on (just) three interviews the discussion in this paper is more of a scoping study providing the necessary framework for further more in-depth work. That said, given their position and experience the interviewees were ideal informants plus both unions have highly democratic decision-making structures and processes and it was their policy settings over performance-based pay which were discussed and explained by the interviewees. For example, at the height of the Howard government's drive over performance pay (as explained elsewhere in this paper) the NSW Teachers' Federation (2007) at its December 2007 Council meeting decided on a policy which, inter alia, stated:

The agenda dishonestly labelled as 'performance pay' by the Prime Minister, John Howard, and the Federal Education Minister, Julie Bishop, will not lift the status of the whole profession. It will also undermine the prerequisites for good teaching and learning. Based on discredited schemes, their proposals will, at best, see a few individuals receive a meagre bonus that may or may not be sustained. Such 'pay at risk' cannot be relied upon by any individual or profession.

The Council is the premier policy making body in the union. It meets monthly with its 400 democratically elected delegates transported in and accommodated from across the state. Such is the union's commitment to democratic decision-making processes that some labour commentators have argued that '... anyone who understands the NSW union movement would tell you is ... far from being a remote leadership, the Teachers Federation suffers from an excess of internal democracy' (Workers' online, 2000).

Case Study - Public Education

There is a long history of often rigorous negotiations, sometimes supported by industrial action, between the NSW Department of Education and Training (DET) and the NSWTF over working conditions. Established in 1919 the NSWTF secured the *Public Services (Teachers) Award* in 1920. Now, employment conditions are largely, but not exclusively – there are relevant policies and procedures – determined by the *Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award*. It sets out, *inter alia*, the salary and allowances payable to teachers, different classifications, working hours, occupational health and safety, qualifications, training and development, teacher quality and

performance management (NSWIRC, 2006a). The NSWTF's union density rate is just under 90% (Johnson and Shields, 2007).

In 1991 teacher salary increases were agreed to of between 9% and 13% for the teachers on the incremental pay scale. The increases were awarded following a review of recruitment and retention procedures, the development of policy and guidelines for dispute handling and grievance resolution, childcare facilities, interim promotions procedures, multi-skilling, teacher appraisal and evaluation and the introduction of the Advanced Skills Teacher (AST) classification. AST was a form of performance pay trialled in the 1980s and involved teachers' undertaking numerous additional tasks and evaluations for a small increase in annual salary (Int-TFS, 2008). The AST system was assessed over time to be generally ineffective.

In its most recent salary negotiations the NSWTF argued that the increase sought was justified on a number of grounds: to bring teachers' salaries in line with 'real' value; productivity, efficiency and quality of work improvements; the significant risk of a future teacher shortage; the decline in the relativity of teachers' salaries to both average earnings for employees generally and average earnings for professionals; results of various inquiries into the provision of public education in NSW; and changes to the qualifications of teachers (NSWIRC, 2008). Under a thirteen step incremental process – teachers, subject to satisfactory performance, move up an increment each year on the anniversary of their employment in DET. In January 2008 the annual salary prescribed by step 1 was \$39,185 and the highest (step 13) \$75,352.

There are two performance evaluation programs operating in the NSW public school system; the *Teacher Assessment and Review Schedule* (TARS) and the *Teacher Improvement Program* (TIP). All teachers employed in the public system are subject to these evaluations as directed by clauses 13 and 14 of the award (NSWIRC, 2006a). The organiser from the Teachers' Federation explained that (Int-TFO, 2008):

... these two systems are complementary with the aim of TARS being the ongoing professional development of teachers, while TIP is designed to support and develop teachers' skills if they are considered to be under performing.

The TARS program is an annual assessment process where the teacher's performance is evaluated by the head teacher and principal, generally through classroom observations. The system has been designed to be a professional development process, not a supervisory procedure. TARS encourages teachers to reflect on their practices to self-analyse their strengths and limitations to highlight where they may need support or improvement.

For school teachers TARS is assessed by (*ibid.*):

... conferences between the teacher and the principal (or nominee); observations of educational programs; review of documentation such as lesson planning, lesson material and student work, plans, evaluations and reports, as appropriate.

The TIP system is used to support teachers who have been assessed as deficient. The process involves discussing with the teacher the evaluation of the performance and establishing a ten week program aimed at re-skilling and training the teacher in the areas identified as deficient. There is an option to extend the program for up to six weeks if necessary. On completion, those teachers who are deemed to have successfully developed their skills are taken off the program. Teachers who have not satisfactorily met the requirements generally have their contact terminated (Int-TFO, 2008). According to the TFO, the current performance management systems (Int-TFO, 2008):

... are seen as a fairly stringent evaluation of teachers. The Federation supports the evaluation of teachers provided the system is fair, collegial, collaborative and non-threatening. Any system for evaluating teachers should aim to positively motivate the teacher to perform through a process of professional development, support and training.

The Senior official of the NSWTF held the same view (Int-TFS, 2008):

The system needs to be consultative and negotiated support process, not a forced program which aims to discipline and punish. We do not want to see a 'bully boy' appraisal. We acknowledge and do not oppose the Principal and DET's responsibility to make professional judgements about teachers' abilities. The Federation's role is to ensure there is a process in place that is fair and just without victimisation and discrimination.

Neither the TARS nor TIP policies relate to pay; except insofar as a teacher may: not progress up the incremental salary scale under the award unless their performance is determined to be satisfactory; or if the TIP intervention proves to be unsuccessful, be required to leave DET. Of course, given their years of service, many teachers have attained the highest band on the scale.

As to the surge in the popularity of pay for performance, the NSW Teachers' Federation interviewees believed that this is attributable to a number of factors: the political agenda of the federal government; media attention; the deregulation of the industry; the attempted individualisation of the workforce; the standardisation of teaching practices; claims as to the accountability of teachers; and, the theory of performance pay (Currie, 2007; Int-TFO, 2008; Int-TFS, 2008).

Individualisation describes a management-initiated process which promotes the ability of individuals (at least 'theoretically') to negotiate their own personal employment conditions within the constraints (and opportunities) of the industrial relations legislative framework. There is a familiar debate over whether individualisation is pursued by employers in an attempt to constrain the collective voice of employees and lower the power of trade unions (see, for example, McCabe, 2007). From the NSWTF's perspective, individualisation is designed to create an imbalance of power, favouring the employer which may lead to employee exploitation (Int-TFS, 2008). The Teachers' Federation Organiser stated that any individualisation of the employment relationship would be detrimental to the teaching profession (Int-TFO, 2008):

Teaching is a collegial and cooperative profession where teachers share resources and aim to help each other. The logic is that the experienced

teachers will mentor and encourage the less experienced teachers by sharing their knowledge, skills and teaching methods. Teaching is a team based profession, not an individualised and competitive environment that ranks teacher against teacher.

Standardisation of teaching practices refers to the urge to make teaching more formula-based and process-driven by imposing rules, regulations and standards of practice on the employee. The Senior Officer of the NSWTF considered that such approaches would be detrimental (Int-TFS, 2008):

This standardisation would include dictating to the teacher what to teach, when to teach and how to teach, converting teaching into a procedure based mechanism where students are churned out. This system resembles a manufacturing process where the business is making one similar product. This process is easily quantifiable and can be delivered to massive amounts of students at the same point in time neglecting the needs and learning abilities of the individual and focuses on mass production.

According to the NSWTF claims over increasing the ‘accountability’ of teachers refers to the desire of education employers and the state to deflect poor student performance onto teachers. That is, if students are deemed to be under-performing compared to other classrooms, schools, areas, states or countries someone must be held accountable; certainly not the resources provided or wider social factors. As the senior official commented (Int-TFS, 2008):

Performance pay would see the blame squarely placed on the teacher for not performing to a higher standard which is punishable. The truth however, maybe that other socio-economic conditions exist which are to blame for poor results [instead of teacher performance] for example inadequate facilities and a lack of resources.

The interviewees stated that the NSWTF generally accepts that the basic theory underpinning performance pay is acceptable; if workers increase their performance they may have a legitimate expectation to be rewarded based on the principle that if a business offers rewards for higher performance it will motivate the employee to work to that higher standard. However, they contend that there are two serious concerns with this principle, namely, the source of teachers’ motivation and the practicality of evaluating teacher performance (Int-TFO, 2008; Int-TFS, 2008). The senior official was of a view that teachers are not motivated to perform by increases in pay beyond demands of a fair and reasonable income, but rather by the intrinsic satisfaction of their profession (Int-TFS, 2008):

Intrinsic rewards generally provide motivation for teachers, for example, the desire to help others learn and develop; to encourage personal growth; and, to realise the impact they can have on students.

Case Study - Private Education

The Independent Education Union of Australia represents teachers in the private sector. The majority of their members are employed in the Catholic education sector however; the union’s membership across independent schools has grown in relationship with the growth of that sector. IEU density is approximately 70% for Catholic schools and 50% for independent schools (Int-IUO, 2008).

Two awards apply to the private or non-government education sector in NSW - the *Teachers (Independent Schools) (State) Award 2007* and the *Teachers (Catholic Schools) (State) Award 2006*. Similar to the award covering public sector teachers, both awards specify salary rates, allowances, work hours, occupational health and safety matters and have clauses dealing with teacher qualifications, quality, training and development and performance management (NSWIRC, 2006b; 2007a). Under these awards teachers in the Catholic systems receive the same salaries as their public counterparts. Independent schools have the same incremental steps salaries but are generally paid higher salaries. As at 1 January 2008, for instance, private school teachers received 6.4% more than those in the state and catholic systems.

Some independent schools have negotiated enterprise agreements which operate as full or partial substitutes to the relevant award. The IEU has recently bargained new salary structures in their enterprise agreements in an effort to link salary progression to the Professional Teaching Standards released by the NSW Institute of Teachers (NSWIT). *Classroom Excellence* is currently an annual allowance contained in the new agreements made with the IEU. This allowance is paid to teachers who achieve the *Professional Accomplishment* level of the NSWIT's standards and who have met the requirements of the Independent Schools Teacher Accreditation Authority (ISTAA) *Classroom Excellence* standards. The standards of both the NSWIT and ISTAA require the teacher to submit applications and provide evidence of accomplishments. In addition, lesson observations and classroom tasks are evaluated. *Classroom Excellence* is an additional payment of \$6,344 as an annual bonus for classroom teachers as an acknowledgement of the efforts they have made to achieve and sustain the requirements of the NSWIT and ISTAA. In a recent claim designed by the IEU for Catholic school teachers those who satisfy the *Classroom Excellence* requirements would receive an additional allowance of approximately \$10,000 per year. Teachers awarded the allowance would be subject to ongoing evaluation to ensure that they maintain the standards set. Should they fail to meet the standards, the allowance would be withdrawn (NSWIRC, 2006c, 2007b; Int-IUO, 2008). The IEU is pleased with the new agreements and plan to seek their widespread adoption. According to the IEU Organiser (Int-IUO, 2008):

The agreements streamline the compensation scale for teachers and link salary progression to the NSWIT's standards. These standards are mandatory and enforced by law. The general idea is that the standards are in force and will be for a considerable period of time, and the IEU has chosen to embrace them as there really is no avoiding them. The standards also aim to raise the professionalism of teachers which is a concept that the IEU supports.

Beyond usual management monitoring, the private school education system has no formal performance evaluation process however the IEU believe the standards set by NSWIT will be used as the future tool for appraisal. The IEU has some concerns as to whether this is the best system for evaluating teachers but consider that as the standards are mandatory and enforceable by law the union needs to adopt appropriate coping strategies (Int-IUO, 2008).

The IEU believes that the recent surge in the promotion of performance pay for teachers, at least at a political level, does not acknowledge what motivates teachers. Changing teacher pay methods is seen too as being consistent with politically-informed agendas to change teacher accountability and measurement (read school 'league tables') and to standardise work practices (Int-IUO, 2008). On motivation, the IEU Organiser was of the view that while teachers are extrinsically motivated by financial rewards to the level that the reward satisfies

their basic needs, wants and desires, most were strongly motivated by the intrinsic factors of teaching (Int-IUO, 2008):

People have mortgages, bills and commitments, and teachers are no exception. Teachers also have the ability to see what other industries are paying employees and compare these salaries to their own, questioning whether they are adequately being compensated for their efforts. These factors equate to a keen interest in a fair and reasonable salary for all teachers. Teachers are not solely motivated by financial rewards. Primarily, individuals chose teaching to make the world a better place, and help mould and shape students to create the future Australia is seeking. They are generally intrinsically motivated to help students realise their potential.

Similarly, Chris Watt (2006: 14) the Federal Secretary of the IEUA has argued that ‘what motivates teachers is the opportunity to do challenging work and then being told how much they are appreciated’. Accordingly, the IEU’s position is that a collaboratively designed award/agreement which provides adequate and sufficient salary and employment conditions to all teachers is the best and fairest reward system. Pay for performance, the union holds, is a proposal which has been mooted in response to the difficulties facing school education but one which may outwardly ‘sound good’ but is one which will not achieve substantial benefit.

Conclusion

School teachers in educating children provide a vital service to the community. Predictions from a number of government and non-government sources claim that in the very near future Australia is going to suffer from a dramatic shortage of teachers. This shortage is due to the ageing of the current workforce, and the difficulty in attracting and retaining teachers. A proposed solution is for teachers to be offered some form of performance based pay.

Both NSW teacher unions either reject performance-based pay outright (NSWTF) or accept it only in a benign form based on teacher qualifications and certainly not by measuring student performance (IEU). The unions hold that the solution to teacher recruitment and retention problems can found in providing teachers with adequate and sufficiently competitive salaries and employment conditions and for a performance management system which provides professional development and ongoing support. Essentially, the unions regard performance pay as part of a wider political debate over measuring schools’ and teachers’ ‘outputs’ plus, particularly for the NSW Teachers Federation, concerns over the use of individualised pay systems as a covert device to break the strong collectivism exhibited by teachers at school and in their union. Similarly, the proponents of performance pay fail to recognise that a hallmark of effective teaching is teachers’ collegiality; a collegiality which reinforces their collectivism. Given the unions’ opposition and the evidence that attempts to implement pay for performance in collectivist organisations turns on union support the likelihood of changes to the current traditional remuneration system seems remote.

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