

AN INTERNATIONAL LOOK AT TEACHER UNIONS & LABOR RELATIONS: A POLICY FRAMEWORK FOR CENTRAL AND SOUTH AMERICA

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Introduction

The process of organizing a nation's teachers into professional associations and labor unions -- that are politically recognized as legal bargaining units for determining teachers' salaries, benefits, and working conditions -- is a complex, long-term effort that has occupied teachers, labor movements, and national governments worldwide (Cooper, 1992; Kerchner & Mitchell, 1988; Loveless, 2000; Kerchner, 2001). This process is particularly important, as unions are critical to our understanding of the nature and quality of teachers' work as professionals and their relations to the systems in which they are public employees. Labor relations will be key for determining teachers' levels of pay and benefits, as well as the system's personnel processes and procedures, and the operations of their unions. Changing and reforming these processes may also be key to making vital reforms of education, and the improved quality of a nation's schools (Cooper, 1982).

Furthermore, the public remains vitally concerned, since teachers are essential to the lives and development of all children and the nation's economy; and the costs of teachers' salaries and benefit are a major burden as a public expense in most nations. As a national Gallup Poll (1998) in the United States determined, 27% of American thought that unions *helped* in improving the quality of public education, 37% reported that it "made *no difference*," and 26% felt that unions of teachers actually *hurt the schools* (Rose, L. C., & Gallup, A. M., *The 30th Annual Phi Delta Kappa/Gallup Poll of Attitudes toward the Public Schools*, *PHI DELTA KAPPAN*, 80, September, 1998, pp. 42-56).

Yet most of the world's teachers, and it may be the world's largest profession, are organized and have sought the right to engage in the following five key roles and processes (Cooper, 2000, p. 33):

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1. **Spokesgroups:** Seek official public representation for teachers as their recognized bargaining union and collective voice. We need to determine in the nations of South America which associations are the key voices for teachers at different levels, primary, middle and secondary schools. Does one group speak, or do many?
2. **Bargaining Agents:** Bargain collectively with management for economic improvements (e.g., pay and benefits) and better working conditions. Does the nation allow unions to bargain, and who are the “agents” for teacher nationally and regionally, if different unions exist. And are both public and private/religious schools unionized and have bargaining rights in each nation?
3. **Strikes and Other Collective Actions:** Take action such as strikes to force management – often the government – to give teachers better pay and working conditions. We need data from each country on the legality of strikes, and whether teachers have struck, and to what purpose and ends.
4. **Arbitration & Mediation Services:** Use “third parties” (e.g., fact-finders, mediators, or arbitrators) to review and determine who’s right and what can be done to end impasses and settle conflicts between teachers (their unions) and their governments.
5. **Major Supporters of National Education:** Express the needs of teachers and of education in a nation, as a political force in society. Determine to what extent these associations (unions) lobby and press governments to set standards, provide funds, and give general support to education at all levels. Play a role in expanding education for all!

A National Comparison Model

The collective union policy model, one developed in 2000 by Bruce S. Cooper, involves five key foci of this paper, as follows:

Focus 1 – *Teacher Union Rights and Legal Transactions:*

- Representation
- Collective negotiations/bargaining
- Right to strike and strike procedures
- Grievance rights and procedures
- Third-party mediation, conciliation, and voluntary or binding arbitration

Focus 2 – *Political & Governmental Controls:*

- National government/governance of education and teachers
- State, provincial or regional controls and funding
- Local governance and controls
- Mixed government levels (confederations)
- School-site management and decision-making

Focus 3 – *Union Organizations and Affiliations:*

- National government/governance of education and teachers
- Labor movement relations
- Local and regional affiliations
- Democratic governance of unions locally and nationally

Focus 4 – *Teacher Rights and Responsibilities Controls:*

- Academic and professional associations of teachers
- Association by teacher levels, disciplines, and political beliefs
- Other professional societies and educational purposes

Focus 5 – *Tax and Funding Sources for Education by Levels:*

- National/federal school funding
- State/provincial/regional taxes and funds for education
- Local taxation/sources
- Private contributions (e.g., tuitions, gifts, tax breaks)

Unions and their practices are important, including issues like the purposes of collective bargaining. Booth (2002) explained that:

Compromise and concessions form the style in adversary bargaining based on demand from the union and counter proposals from management . . . The usual outcome of traditional bargaining is that both sides lose a little. Negotiations from a board perspective are a gradual process of losing as little as possible. Unions also feel a sense of loss because they don't get a much as they want. Rarely do both sides feel like winners unless they both gain something very important that overshadows the losses. (pp. 1-2)

The process of unionizing, and the results of having teachers unions are important concerns, and this paper looks at the process, structure, and results of formal collective

bargaining and union actions across national borders, which makes the process even more interesting (Maeroff, 1988). Comparisons point out similarities and differences, already explained in “An International Perspective on Teachers Unions” that “Teachers worldwide have shown amazing resiliency and adaptability, embracing the labor movement and greatly improving their status and income. In less than a half century, teachers have risen from underpaid, undervalued “semiprofessionals” to powerful voices in education, becoming key leaders within the larger labor movement and prime movers in regional and national politics” (Cooper, 2002, p. 240; see also Etzioni, 1969; Lortie, 1969, 1975; Conley and Cooper, 1991).

The Steps in the Teacher Unionization Process: Applications

This section details the complex process of unionization of teachers, from their desire to raise their salaries and improve their benefits; to their actions to affiliate with the existing labor unions (movement) in each nation; to the passage of legislation to permit public employees (including teachers) to join the movement.

Steps in the Process: Meaning and Method

Focus 1 – Teacher Union Rights and Legal Transactions:

The first step is to determine for each nation their legal and policy statements and provisions for the right of workers to unionize and bargain. Does the country have a collective bargaining law? Does the law include all three groups: private-sector workers, public-sector employees, and educators in the K-12 and university systems? What are the requirements of the law(s) and how do teachers gain and use their legal rights to unionize? It is also useful to track the passage and development of these laws over the last 40 years, comparing among countries in Central and South American. Are teachers allowed to unionize, grieve, bargain, and even to strike?

1. Right to unionize? ___ Yes ___ No
2. When was the legislation passed and amended? Passed ____ Amended ____

Focus 2 – Political & Governmental Controls:

The second step is to determine by nation how education is governed, either by local jurisdictions (school districts), by regional, state or provincial controls, or nationally. In the case that all three levels are involved in governance, are they also involved in regulating collective bargaining and other teacher union activities? If the country has one set of laws, one national union, and one bargaining level, then it's highly centralized; other countries may have sub-units, as we found in Canada and the USA, while Mexico had one major political party, one union, and teachers were part of it. The data would include:

3. Level of government labor legislation _____
4. Level of teacher union bargaining _____
5. Number of teacher bargaining units? _____
6. Number of contract and management units by country: _____

We have these data on nations in North America, Europe, Asia, and New Zealand/Australia and can compare with Central/South America.

Focus 3 – Union Organizations and Affiliations:

We also can gather data by nation on the structure of their unions, both public and private sector, and determine where the teachers' associations and unions fit in. Are the teachers' unions a unit within the national labor movement? Or as in the USA are the unions (NEA and AFT) separate entities, although the AFT is an affiliate of the AFL-CIO, the national union of a range of employees? And do the unions conform to the structure of the nation with states and province?

6. How many bargaining units does the nation have that include teachers? ____
7. Do teachers bargain alongside other employees? __ Public ____ Private

Focus 4 – Teacher Rights and Responsibilities Controls:

What provision and rights are reserved for teachers, as public servants and employees under government regulations and national tradition? We can determine by country how much autonomy and control teachers have over their lives, their work, and their associations and unions. One issue that is important across nations is the right to strike and to have third party interventions (fact finding, mediation and arbitration) by a neutral third party chosen by both the union and management. Who grants teachers that right? Which Central and South American nations allow teachers to strike legally after exhausting other processes? If strikes are illegal, what steps has the government taken to end the walk-outs? If they are legal, what procedures are used to prevent them, and then what protections and rights are available if and when the teachers' strike occurs?

8. Do teachers have a legal right to strike? Yes No Under conditions

9. Who grants that right? _____

10. How restricted is the right to strike and how? _____

Focus 5 – Tax and Funding Sources for Education by Levels:

Finally, we need data by nation on the sources and levels of funding for education, as unions, if they exist, are bargaining for funds from local, regional and national taxes that go to education. How extensive is the public funding and is education free and universal for all children, from what ages? How much of the national and regional spending goes for teachers' salaries and benefits, and how much pressure can the unions (if they exist) place on the government to fund schools and give teachers a good salary and benefits? Retirement funds? What percentage of regional and national public budgets go for education of children and how much of that funding is used for teachers' salaries, benefits, retirement, disability, etc.?

11. What are the major sources of funding for education in the nation? _____

12. How much reaches the schools and the teachers? _____

13. To what extent is collective bargaining a union effort to get a larger share of those funds?

14. What models are most important in the nation for unions?

____ Isolationist __ Syndicalist ____ Regionalist ____ Nationalist ____ Union boards and labor councils

These data across nations will give a comparative picture of the levels, types, extent, and role of teachers in the labor movement and public and private unions. As a more highly educated, nearly universal set of middle-class employees, teachers are a good indicator of the nature and level of unionization in each country. As I explained in my international comparative chapter in *Conflicting Missions? Teachers Unions and Education Reform*, edited by Tom Loveless (Washington, DC: Brookings Institution, 2000):

It is a delicate balancing act, on the one hand, between local autonomy, mutual community support and involvement, and professional growth for teachers – that is, teaching that “educates the worker while it educates the students” – and the more syndicalist, nationalized, big union/big government, big everything solution on the other. [see Kerchner, Koppich, & Weeres, 1997, p. 211). In between lie wide field of opportunity to harness the collective voice and power of teachers, to meet the growing needs of children and their families and communities, produce better education results, enhance societies, and improve unions *all across the world*. (Cooper, 2000, p. 278)

New Developments

Central and South American are no different. With help, we can collect information on these countries, and paint a picture of teacher unions across the hemisphere and the world, for a number of important new developments are occurring in the United States and other countries in teacher unionism.

Policy-makers at the federal, state, and local levels may be using the fiscal down-turn to justify implementing a variety of measures that threaten the salaries, benefits, and working conditions of educational professionals. This article explores the response of

teacher unions and considers whether we are entering a new era of unions and collective bargaining as represented by recent concessions or experiencing a temporary departure that represents a pragmatic response to fiscal exigency.

We examine six key developments and changes in teacher labor policies, and how current politics are affecting them as follows:

- (1) Teacher unions' reacting to "national" versus "local" political forces,
- (2) Unions as they thus move from mainly engaging in labor relations activities — bargaining, grieving, striking -- to becoming key political actors in education and other social areas of policy-making;
- (3) Unions' reluctance to go on strike, with a preference for public voice and political influence to get raises and benefits;
- (4) Unions' reactions to threats to the "single salary schedule" as teachers are being asked to adjust pay based on their school and individual performance (e.g., merit pay) and local educational needs;
- (5) Pressures to privatize, with teacher unions actually starting and operating charter schools instead of resisting private approaches for fear of lost money and jobs; and
- (6) Finally historical and future pressures to merge the American Federation of Teachers (AFT) and National Education Association (NEA) into one large, powerful, unified national voice for teachers in education politics.

A Broad New View at the US Teacher Unions

The politics of teacher unions has long fascinated policy-makers and political analysts alike. For teachers comprise a large – if not the largest -- public sector employee group, with the organization, skills and voice to make a real difference in American education and life. And public school teachers have and continue to make their mark on education politics in the USA since collective bargaining started under state laws in the late 1960s (Cooper, 1993; Mitchell, 1964; Shanker, 1994). With nearly 5 million teachers working

in local K-12 public schools, most who are affiliated with the National Education Association (NEA with 4.3 million members), or the AFL-CIO affiliated, American Federation of Teachers (AFT with 1.2 million members), these groups have large, vocal memberships in virtually every community (school district) in America, and have not been shy lately in making known their needs and feelings on key issue in the public arena.

This paper updates the politics of teacher unionism in difficult economic times, taking a rather unique approach. We set up the traditional labor relations and union positions and practices (e.g., resisting privatization of education for fear of loss of revenue and students), and then show how in the more mature stages, and under new pressures and working conditions, these unions have actually created and managed their own charter schools. And while unions have always represented the needs of workers, more recently with big politics at the national and state levels, unions have taken on a management position and are helping to set national policies on equity, funding, and school purposes. Thus, this chapter illustrates the key role of teacher unions in society, and deepens our understanding with interesting current policy case studies of politics of education.

1. From Localist to Nationalist: The Union Movement Grows with Education. Traditionally, teacher unions worked fundamentally at the local level, with each union having its own organization, bargaining, striking, and influence. The most famous strikes, for example, involved local teacher associations like the United Federation of Teachers, striking against the New York City Board of Education, and Mayor, in 1960, for the right to bargain – prior to the passage of the Taylor Law in NY to empower public employees to seek bargaining rights.

2. From Bargaining to Defending of Public Schooling. The NEA and AFT are perhaps the strongest and most powerful supporters of public schools in the country. As unions, they were traditionally concerned for members' rights, salaries, benefits, and protection from management abuse and over-control. They were even accused by management of sacrificing education quality in favor of teacher power and better pay.

And many thought when the unions were taking power in the 1970s that the AFT and NEA would become the strongest enemies of good, well organized, high-quality education as the unions worked to protect their members.

Instead, at all levels of government, teacher unions have become the major advocate for quality and well-supported schools, fighting against legislatures and governors' attempts to cut education in tough times.

3. From Striking to Politicking. The strike in public education was rarely legal (only in a few states), but teachers were unafraid to “walk off the job” if they felt it would benefit their efforts to bargain a descent contract, or if they felt the politics in local areas was working against them. The movement peaked in the 1970s, with over 100 teacher unions striking in any given year.

More recently, teachers have learned the power of voice and bargaining, and have been able to work the federal, state, and political systems to their advantages. As one of the largest public-sector unions in many places, one of the best organized and well educated they have learned that lobby may work better—and be less costly—than “walking” off the job and losing salary in many cases. So we have seen a major drop in strikes, and a major rise in political organization and lobbying.

4. Pay: Standard or Differentiated: Teachers unions have long sought a standard pay scale, based on years of experience (Step) and graduate credits and degrees (Track). In part, this desire for standard, universal pay levels grows out of the history of public education, where in old times, male teachers earned more than female teachers, in that secondary school teachers (mostly men) earned more than the predominately female elementary school teachers.

Also, teachers unions fear favoritism, whereby a principal could pay a compliant teacher more than another who wasn't his or her favorite. As early as 1979, Grimshaw noted the commitment of unions to a *standard pay scale*, when he wrote: “Unions invariably oppose the distribution of differentiated monetary rewards based on merit, preferring to

distribute pay based on the basis of seniority” [and later masters degrees and beyond] (p. 16).

Also, teacher unions sought collegiality and professional collaboration, whereby teachers – to earn more money – might use special techniques themselves, and have no incentive to share the method with colleagues. All for one and one for all. AFT president Randy Weingarten, however, sees under circumstances that more pay for some teachers makes sense. Recently, she explained, “Differentiated pay plans that locally negotiated rather imposed allow teachers to be paid additional compensation for taking on extra responsibilities. That works to the benefit of both teachers and students” (AFT website, 1/25/10).

Again, this proposed plan converts hours of extra work into extra pay, but does not “reward” better performance, or those teachers willing to work in more difficult setting. Also, extra preparation, such as national certification under National Board Professional Teacher Standards, teaching in challenging schools, in shortage areas, and working as a mentor of other teacher is also acceptable to the union, as a means of giving extra money.

Merit Pay: Unions, however, stop short when it comes to various “merit pay” schemes since they are difficult to determine and can be very divisive, and again may undercut collegiality and cooperation, as better teachers hold close their skills from other teachers to increase their likelihood of better pay. The AFT explains, “Teachers reject being evaluated on a single test score.”

5. Public Unions, Privatization Policies. President Barack Obama and U.S. Secretary of Education Arne Duncan are pushing charter schools nationally as an important tool for improving U.S. public schools. Traditionally, teachers unions have resisted charter schools, and other forms of privatization (e.g., vouchers, tuition tax credits) because they fear the loss of student enrollments, and a concomitant decrease in the funding of public schools. And besides the reality that teacher unions are increasing their efforts to unionize charter schools, the unions themselves are actually filing and opening their own charter schools, requiring that teachers at their charters be members of the local teachers union. If they can’t beat them, join them!

Thus, this charter school unionization has attracted much attention recently, to

date relatively few charter schools have unionized. Observers remain split over the impact of unionization on charters.

6. The Politics of Merger: In 1999, the process was in motion for the merger of the NEA and AFT, as the AFT voted strongly to proceed and the president of the NEA, Bob Chase, supported merger and a way of giving teachers one strong, unified voice. The AFT voted strongly to merge in 1998; the NEA voted it down, even though their leadership favored it. Currently, in tough times, pressures may be rising again to reconsider merger, and we know that in a number of states, the NEA and AFT have merged at the state level. As Honovar (2006) reported, “The National Education Association has given its blessing to the merger of the two teachers’ unions in New York state—a step officials say will take the NEA’s membership to an all-time high of 3.2 million.

The NEA approval came May 6, just a day after members of the American Federation of Teachers-affiliated New York State United Teachers, or NYSUT, voted in favor of the marriage at their annual convention in Rochester, N.Y.” If these unions keep merging in major states, the national merger may be coming soon.

We see the American teacher unions developing into the bulwark of education, and these changes are likely to grow and intensify as education continues to be a major public service and a vital effort in US society and by implications in the modern world.

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<u>South America</u>	<u>Number of Teacher Unions</u>	<u>Affiliations</u>	<u>Right to Bargain</u>
Argentina			
Bolivia			
Brazil			
Chile			
Colombia			
Ecuador			
Falkland Islands			
French Guiana			
Guyana			
Paraguay			
Peru			
Suriname			
Uruguay			
Venezuela			
Central America			
Costa Rica			
El Salvador			
Guatemala			
Honduras			
Nicaragua			
Belize			
Panama			

Key Data on Teacher Unions by Central/South American Countries

Contract Associations Rights to Strike, Arbitrate

South America

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
Falkland Islands
French Guiana
Guyana
Paraguay
Peru
Suriname
Uruguay
Venezuela

Central America

Costa Rica
El Salvador
Guatemala
Honduras
Nicaragua
Belize
Panama