

## Briefings

Thought leadership for the independent schooling sector

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### RESEARCH FEATURE: Advancing Enterprise Bargaining in Independent Schools: Through Collaborative, Interest-Based Approaches

#### Foreword

Enterprise bargaining continues to be a significant and evolving feature of the employment landscape within independent schools. As schools respond to increasing expectations around organisational sustainability, workforce wellbeing, and community confidence, there is a growing emphasis on approaches that support effective engagement, minimise conflict, and preserve relationships.

In this *Briefings* paper, Alexandra O'Brien, Deputy Director Employee Relations, examines the role of interest-based bargaining as a contemporary and practical approach to enterprise bargaining. Drawing on established mediation practice and the Fair Work Commission's Collaborative Approaches Program, the paper outlines how a shift from traditional positional bargaining to a more collaborative, interest-focused model can support improved outcomes for schools and staff.

The paper highlights the strong alignment between mediation principles and collaborative bargaining practices. In doing so, it demonstrates how approaches grounded in active listening, shared problem-solving and consensus-seeking can contribute to more durable agreements, while supporting positive and ongoing working relationships within school communities.

For ISQ members, this is a timely and relevant contribution. Independent schools operate within complex and diverse environments, where balancing educational, operational and community priorities is critical.

The Collaborative Approaches Program provides a structured and supported framework through which schools and staff can engage differently in enterprise bargaining, with access to training, facilitation and guidance.

ISQ remains committed to supporting members through the provision of practical advice, expert guidance, and resources that build capability in key areas such as enterprise bargaining. This paper reflects that commitment and offers valuable insight for those seeking to adopt more collaborative approaches within their organisations.



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RESEARCH FEATURE: Advancing Enterprise Bargaining in Independent Schools: Through Collaborative, Interest-Based Approaches



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Abstract

Interest-based bargaining has emerged as a compelling and effective alternative to adversarial negotiation within Australian industrial relations. This paper explores how the Fair Work Commission's Collaborative Approaches Program (CAP) can support Independent Schools Queensland (ISQ) members to adopt a more cooperative, problem solving approach to enterprise bargaining (EB). The analysis demonstrates how the principles underpinning interest-based negotiation, mutual gains bargaining, and principled negotiation align closely with contemporary mediation practice and have the potential to transform bargaining culture within independent schools.

While the Collaborative Approaches Program presents a significant opportunity to enhance bargaining culture, this paper further explores that it is important to recognise that interest-based bargaining is not universally suited to all contexts. Its effectiveness is contingent on a reasonable alignment of interests, organisational readiness, and disciplined governance throughout the bargaining process.

Insights from Mediation Practice and the Fair Work Commission's Collaborative Approaches Program.

Introduction

Enterprise bargaining in the independent school sector increasingly requires approaches that preserve relationships, reduce conflict, and support long-term organisational health. Traditional positional bargaining often entrenches adversarial dynamics, delays agreement-making, and strains school-staff relationships (Walton & McKersie, 1991).

In contrast, interest-based bargaining, as promoted through the Fair Work Commission's **Collaborative Approaches Program**, offers a structured, consensus-seeking method that aligns closely with the skills and insights developed through professional mediation practice. Reflective practice, widely recognised as essential for developing professional competence in conflict resolution (Schön, 1983; Boud, Keogh & Walker, 1985), further strengthens practitioners' ability to facilitate collaborative communication and support parties through complex negotiations.

ISQ members may be well-placed to benefit from the Collaborative Approaches Program's facilitated and educational model, which supports parties to shift from positional claims to shared problem-solving. Interest-based bargaining may represent a significant opportunity for ISQ members to enhance enterprise bargaining negotiations through a constructive, relationship-building process. The

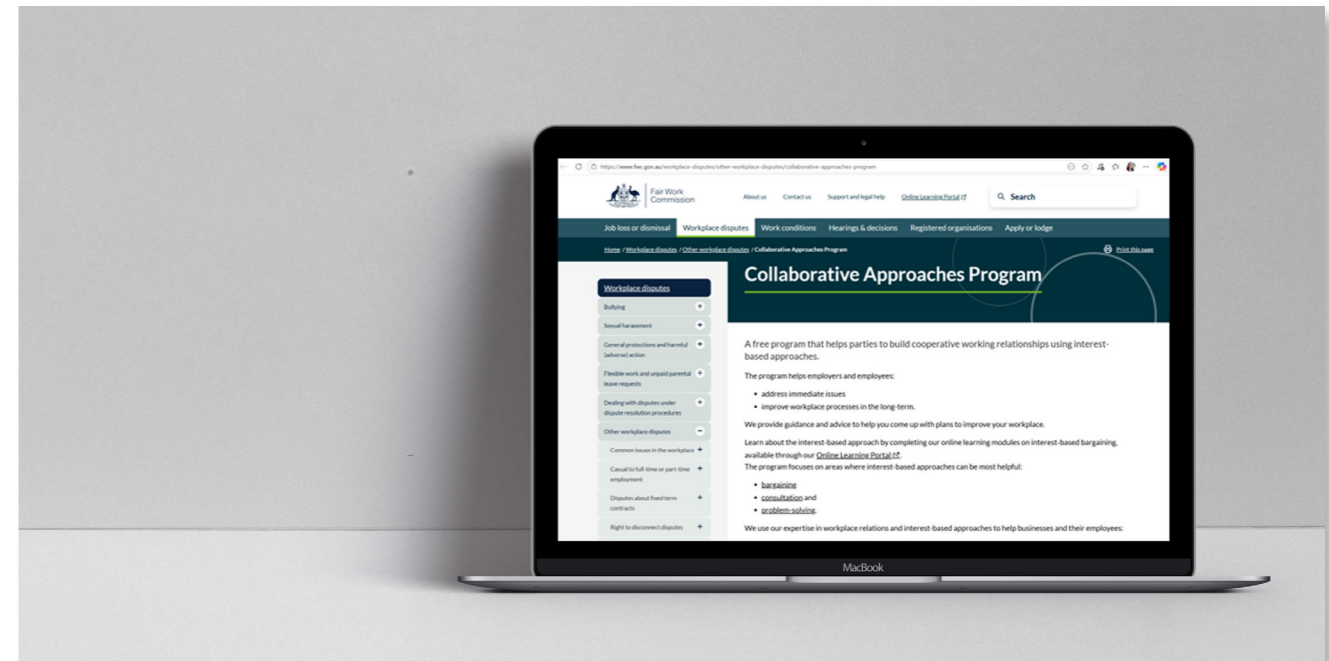
alignment between mediation practice and the Collaborative Approaches Program demonstrates that collaborative negotiation is not only possible but potentially practical, teachable, and sustainable.

Research and experience continue to underscore the value of interest-based skills in real-world conflict resolution. When applied to enterprise bargaining, these same skills: active listening, reframing, option generation, and consensus-seeking; can help independent schools and staff reach agreements that maximise common interests and reconcile conflicting ones (Moore, 2014; Fisher, Ury & Patton, 2011).

Theoretical Foundations: Interest-Based Bargaining and Mediation Practice

A Collaborative Framework Interest-Based Bargaining focuses on identifying the underlying needs, motivations, and concerns that sit beneath stated positions. Rather than trading demands, parties work together to identify shared interests, reconcile conflicting interests, generate creative options and evaluate solutions against objective criteria.

This mirrors the core principles of principled negotiation: separating people from the problem, focusing on interests, inventing options for mutual gain, and using objective standards (Fisher et al., 2011).



Parallels with Mediation Practice

Interest-based bargaining reflects similar practices to effective mediation. For example: active listening to uncover interests behind stated positions, reframing to shift parties from blame to problem solving, managing power imbalances to ensure equitable participation, encouraging future focused dialogue and supporting parties to generate and evaluate options collaboratively.

These competencies are foundational in mediation literature (Moore, 2014; Boule, 2020) and underpin the Collaborative Approaches Program. Reflective practice plays a central role here. Schön (1983) argues that reflective practitioners develop deeper insight into their interventions, enabling more adaptive and responsive facilitation. In enterprise bargaining, this reflective capacity enhances a facilitator's ability to support parties through complex emotional and relational dynamics.

The Fair Work Commission's Collaborative Approaches Program is a free, voluntary program designed to help bargaining parties adopt interest-based approaches.

Two parties agree to participate, and the Fair Work Commission provides training in interest-based bargaining, facilitation support during bargaining and guidance and advice as parties transition to a collaborative model. This aligns with the mediation principle of supported self-determination, where parties retain ownership of outcomes while receiving expert process guidance (NADRAC, 2012).

Given independent schools face unique bargaining challenges including diverse staffing structures, varied governance models, strong community expectations, and the need to maintain positive long-term relationships, the Collaborative Approaches Program's collaborative model has the potential to support schools to navigate these complexities by fostering trust, transparency, and joint problem-solving.

Linking Mediation Competencies to Collaborative Bargaining in Independent Schools

Identifying and communicating needs

Effective mediation emphasises the importance of helping parties articulate their needs, not demands. In enterprise bargaining, this translates to understanding staff concerns about workload, wellbeing, and professional growth, and clarifying school priorities around sustainability, flexibility, and educational outcomes. This mirrors the Collaborative Approaches Program's focus on shared understanding as the foundation for agreement-making.

Consensus seeking dialogue

In both mediation and Interest-Based Bargaining, the goal is not to 'win' but to reach durable, mutually beneficial agreements. Consensus-seeking dialogue encourages joint ownership of problems, shared responsibility for solutions, reduced defensiveness and improved relational outcomes. These are essential in school communities where ongoing collaboration is desirable.

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These outcomes are well-documented in conflict coaching and collaborative communication literature (Tidwell, 2021; Jones & Brinkert, 2008).

### Facilitated problem solving

Reflective mediation practice also highlights the value of structured facilitation. The Collaborative Approaches Program provides this through Fair Work Commission member-led training, process guidance and real-time support during bargaining. This mirrors the mediator's role in maintaining constructive dialogue and ensuring parties stay focused on interests.

### Benefits of Interest-Based Bargaining for Independent Schools

#### Improved relationships

Interest-based bargaining reduces adversarial dynamics and builds trust critical in school environments where relationships are long-term and interdependent. Similarly, by focusing on interests, parties generate solutions that are more flexible, more innovative and more likely to be implemented, successfully creative and sustainable enterprise agreements.

#### Reduced time

Collaborative approaches often shorten bargaining timelines and reduce the need for formal dispute resolution processes.

### Enhanced organisational culture

Schools that adopt Interest-Based Bargaining often report improved communication, stronger leadership-staff relationships, and a culture of shared problem-solving. These findings are consistent with organisational conflict research (Deutsch, Coleman & Marcus, 2011).

### Key risks and considerations for ISQ Members

While interest-based bargaining can deliver strong relational and cultural outcomes, schools should carefully consider the following risks:

- **Misalignment of interests:** where underlying priorities diverge, collaborative processes may stall or revert to positional bargaining.
- **Compliance complexity:** recent Fair Work Act reforms increase the risk of non-compliant or unlawful clauses.
- **Operational flexibility constraints:** collaboratively developed provisions may unintentionally limit workforce management and staffing adaptability.
- **Financial exposure:** consensus-driven solutions may result in cumulative cost increases or commitments that exceed long-term budget capacity.
- **Expectation management risks:** open dialogue and idea generation may create expectations that cannot be realised, impacting trust and credibility.

- **Sector influence:** outcomes reached in one school may set informal precedents across the independent sector.

These risks reinforce the importance of a structured approach to participation, supported by strong internal governance.

### Key considerations for interested ISQ Members

The practical implications for ISQ members begin when preparing for a Collaborative Bargaining round. Schools can begin by mapping organisational interests, identifying shared interests with staff, training leadership teams in interest-based communication and engaging early with the ISQ Employee Relations team and sharing your interest in the Collaborative Approaches Program early in the bargaining cycle.

ISQ members who are interested in leveraging the Collaborative Approaches Program are encouraged to reach out to ISQ Employee Relations when bargaining relationships are strained, previous rounds have been adversarial, new leadership teams are involved, and complex issues require structured facilitation.

For schools considering participation, it is recommended to:

- undertake financial scenario modelling and board-level risk assessment prior to engagement
- identify any non-negotiable operational requirements (e.g. staffing flexibility, co-curricular expectations)

- ensure review of emerging concepts to maintain compliance with the *Fair Work Act 2009* (Cth)
- establish clear internal governance and approval checkpoints during bargaining
- implement communication strategies to manage staff expectations throughout the process.

### Conclusion

Interest-Based Bargaining represents a valuable option for independent schools seeking to strengthen relationships and improve bargaining outcomes. The alignment between mediation practice and the Fair Work Commission's Collaborative Approaches Program demonstrates that collaborative negotiation is not only possible but practical, teachable, sustainable and desirable. However, its success depends on the context in which it is applied.

For some schools, the approach will offer a constructive pathway to agreement; for others, particularly where interests are less aligned or operational constraints are significant, a more traditional or hybrid approach may be more appropriate.

Careful assessment, preparation, and ongoing risk management are therefore essential to ensure that participation in collaborative bargaining supports, rather than constrains, the long-term sustainability and autonomy of each school.

*ISQ Employee Relations offers general advice and support on employee and industrial relations matters for member schools. This includes guidance for Board Members, Principals, Directors of People and Culture, Business Managers, and other senior leaders. Support covers issues such as interpreting Award or Enterprise Agreement clauses and managing employee performance or disciplinary matters.*

*The service is responsive, member-focused, and reflects ISQ's values of choice, diversity, autonomy, innovation, and professional excellence.*

*Support for enterprise bargaining is not included in the general service. However, ISQ can provide this assistance on a fee-for-service basis. If you are interested in the Collaborative Approaches Program, please contact ISQ Employee Relations via [er@isq.qld.edu.au](mailto:er@isq.qld.edu.au).*

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