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by no means clear: the possibility of a Federal award providing anything other than the standard basic wage provision is a remote one (and three of the four States concerned have provisions which are tied to the standard Federal provision). Existing awards, especially the Metal Trades Award, provide little reason for thinking that any far-reaching preference provision will be awarded by the Commonwealth Commission; for reasons flowing from the *Boilermakers Case* of 1956, the boards of reference under Federal awards must be regarded as having only a very limited sphere of operation; finally, a provision for appeals committees is not readily included in awards concerned with private employers.

Both of these matters, the complexity of proceeding in several States and the limitation of the jurisdiction of some State tribunals, are likely to feature in any case which arises, and their apparent importance can be inflated if the union frames its original demands so as to highlight their effects. A union which creates an interstate dispute generally does so with the deliberate intention of attracting Federal jurisdiction, and this decision has shown how this may be done in a way that almost certainly will preclude the possibility of finding that the dispute should properly be dealt with by State tribunals. States, whose tribunals are subject to these limitations, may find in this decision reason for removing the limitations, so as to avoid possible gradual erosion of the area of industry covered by their respective tribunals.

FOOTNOTES

1. Stevedoring Industry Act 1965.
2. Conciliation and Arbitration Act 1904-1965, s. 143 (1) (h).
3. 18th October, 1965; 1965 *Australian Industrial Law Review*, Report 506.
4. One should avoid too hasty a conclusion that this decision represents the last word on the position of taxi-drivers. Litigation and special legislation on their position in New South Wales alone goes back for at least 30 years. Even then it was not really a new problem, but rather an old one in a new setting. In the early part of the nineteenth century the United Kingdom Parliament had sought, although for another purpose, to define the relationship between owners and drivers of London hackney carriages as being one of master and servant.
5. *Cameron* v. *Duncan* (20th November, 1965), 1965 *A.I.L.R.* Rep. 504.
6. *R.* v. *Commonwealth Conciliation and Arbitration Commission: Ex parte Melbourne and Metropolitan Tramways Board* (9th September, 1965), 1965 *A.I.L.R.* Rep. 504; 20 *Industrial Information Bulletin* 1261.
7. The previous case had arisen some three years earlier; see 108 *Commonwealth Law Reports* 166.
8. *Re Mount Isa Mines Ltd Award* (4th October, 1965), 1965 *A.I.L.R.* Rep. 429; 20 *I.I.B.* 1394.
9. *Re Butchers, Wholesale (Country) Award* (8th December, 1965), 1965 *A.I.L.R.* Rep. 507.
10. *Basic Wage Decision* (2nd September, 1965), 1965 *A.I.L.R.* Rep. 379; 20 *I.I.B.* 1224.
11. *R.* v. *Industrial Conciliation and Arbitration Commission* (22nd December, 1965), 1965 *A.I.L.R.* Rep. 535.
12. *Basic Wage Decision* (16th November, 1965), 1965 *A.I.L.R.* Rep. 502.
13. *Re Transport Workers (General) Award* (28th September, 1965), 1965 *A.I.L.R.* Rep. 394; 20 *I.I.B.* 1082.
14. *Federated Clerks' Union and Alcoa Products Pty. Ltd. and others* (15th December, 1965).
15. See the Senior Commissioner's decision of 23rd April, 1965, in 1965 *A.I.L.R.* Rep. 164; 20 *I.I.B.* 370.

TRADE UNIONS — Australia

AUSTRALIAN TRADE UNIONISM, 1965

G. H. SORRELL
87–91.
University of Sydney

THE year opened with the dispute at Mount Isa mines in full cry and ended with comparative quiet, even on the waterfront which had been seriously disturbed by the inability of the Waterside Workers' Federation (W.W.F.) and the employers to come to agreement on claims made by the Federation, particularly those for a non-contributory pensions scheme and for a mechanisation fund. In between, the year has seen the biennial congress of the Australian Council of Trade Unions (A.C.T.U.),[1] a national wage decision which was not a highwater mark in industrial relations and the outcome of which was strongly disputed by the unions, signs of militancy from teachers in Victoria, and stoppages of work in a number of areas of the economy including the manufacture of munitions and aircraft, public passenger transport (N.S.W.), and brewery workers in Melbourne, to name only a few. There has been a strong air of "business as usual" and only slight evidence of attention being devoted to the outlook for unions in an economy rapidly becoming more intensively industrialised and more integrated.

The pressure of the W.W.F. for a pensions scheme and a mechanisation fund, though arising directly from the facts that the size of the labour needed on the waterfront is declining while the average age of workers employed in the industry is rising, provides a limited recognition of the basis of these trends which are aspects of the wider problem of mechanisation and automation in industry at large. Although this was the subject of the International Congress on Human Relations held at Melbourne from 3rd to 5th May last, there has not been the widespread discussion of automation and its consequences in this country that there has been in countries more industrially sophisticated—but a dialogue between employers and unions is emerging. In April last the Australian Council of Salaried and Professional Associations (A.C.S.P.A.) sought the assistance of the A.C.T.U. in the formulation of a united trade union front on the effect of automation in commerce and industry.

The initiative for asking the A.C.T.U. to call a conference of white and blue collar unions on the subject came from an earlier meeting of the Federal officers of five unions, including three unions of postal workers among whom the question is rapidly becoming very live. In August, a demand was made by the A.C.S.P.A. for an inquiry at Government level into the effects of computers on office employment. A number of unions, including the Ironworkers' Federation, the Storemen and Packers' Union, and the Coal and Shale Employees' Federation, submitted resolutions to the congress of the A.C.T.U. which adopted proposals of the interstate executive. These were for a Federal conference of Government, employers and unions to consider all aspects of intensive mechanisation and automation, for the setting up of a permanent section in the Department of Labour and National Service, and for an advisory committee to consider the problems of particular industries.

In the Industrial Arbitration Act of 1964, the legislature of N.S.W. gave to Conciliation Committees and the Industrial Commission the power to deal with problems consequent upon "the introduction or proposed intro-

duction of mechanisation or technological changes" in industry. In the first cases brought before the Commission, it varied a number of awards in the brick and tile industry and in the printing trades to provide that employers must give specified employees at least three months' notice before retrenchment or pay them for the difference between three months and any shorter period. The Commission was not prepared to announce a standard clause for insertion in awards. This approach, cautious, tentative and touching only the fringe of the problem, reflects the rather timid cast of the legislation itself. In the printing industry it was announced to the Federal Council of the Printing Industry Employees' Union meeting in Brisbane in November that agreement had been reached on the installation of computers for printing. It was expected by the union that dual-purpose machines would be introduced in greater numbers in the production of daily newspapers, and the union had accepted the idea that the tradesmen affected would be retrained.

On the employers' side, reactions to the growing awareness of the unions seem to have been mixed. On the one hand, as has just been indicated, there has been some willingness in the printing industry to meet with the representatives of workers; and the Victorian Employers' Federation has gone on record as saying that the workers' fears are real. On the other hand, insurance companies in May last refused to meet the Australian Insurance Staffs' Federation to discuss the impact of automation on that industry; an application made by the private banks in April for an award on shift work could reasonably be taken as a straw in the wind suggesting that employers in that industry will try to take to themselves the full benefit of automation; the P.M.G.'s Department appears to have gone out of its way to ensure a minimum of co-operation by its employees in saying that workers in that Department have nothing to hope for from the economies of modern industrial development; employers on the waterfront will discuss pensions and mechanisation only on their own terms; and the Minister for Labour and National Service, Mr. W. McMahon, has been reported as saying that there was nothing to fear from automation, a complacent attitude not shared by unions of workers here or elsewhere or by many of the speakers at the International Congress on Human Relations.

There is, then, some awareness, at least on the part of employees' organisations, of the approaching modernisation of Australian industry and its accompanying social and economic problems; but little or no thought seems to be devoted to discovering whether in this context there is a need for the reorganisation of unions and for re-examination of their objectives in order to meet the future. *A priori* organisation should change to meet changing circumstances. The questions whether this is in fact so or not, and if so, what form of change is needed, are to the forefront in the labour movement in Great Britain, where the difficulties that confront the unions in recasting a structure that is the product rather of complex historical development than of any logic are becoming recognised.

There is a need for some consciousness that a problem may exist; but on the face of it, even this appears to be lacking. There is some tendency to the integration of unions, though even this is slight. Between 1962 and 1964 the number of unions in Australia fell by only seven, from 347 to 340. It is a reasonable forecast that the number for 1965 will be only slightly lower. Amalgamations have been completed or are under discussion between the Boilermakers' and the Blacksmiths' Societies, the Transport and the Tramways Employees' Unions, and the Printing Industry Employees' and the Amalgamated Printing Trades Unions. There has also been some move to unification among the highly fractionalised post office workers where the Postal Workers' Union has been seeking merger with two smaller unions representing postmasters, telegraphists and postal clerks. While it has been

said that the pending divorce of the Amalgamated Engineering Union from the British union may help to create a better background for further amalgamations among the excessive number of unions in the metal trades, it seems more likely that for the time being political differences will keep apart the main organisations, the A.E.U., the Federated Ironworkers, and the A.S.E. In other words, structural change, to the extent that it exists, is glacial.

It is important in such a dynamic situation as the present to reconsider from time to time the ultimate aims of organisation. In the United States it is increasingly regarded as a proper end actively to aid in increasing productivity. This is at least a question which ought to arise in a situation where productivity is a factor pressed before wage-fixing tribunals. It is at their peril that the unions leave to academic discussion big questions such as the control of industry, the desired character of organisation, and the broad issue of the role of the worker in society. However abstract these may seem, they involve intensely practical and highly debatable matters. Many of these matters, such as the formulation of shop rules and the status of shop committees, may well, like the question of pensions schemes, be not justiciable under the Australian system of industrial law and demand particular attention at the level of the plant.

Australian unions are not well developed at this level. The dispute at Mount Isa mines provided a startling illustration of the inadequate understanding by trade union centres of the needs and the role of the union member. The estrangement of workers at the mine from the union's headquarters at Brisbane was only superficially a function of the distance between the two places; organisational deficiencies, of which the Australian Workers' Union is not the only union that is guilty, played a far more significant part in permitting the rise of a separatist group at the mine.

The core of local organisation is the shop committee in one form or the other. In the thinking of the A.C.T.U., this organ has a limited function and has no powers in relation to wages or other matters traditionally the concern of the union itself. This is the general "conservative" view which fears the divisive effect of organisation at the plant level and is at least in part a result of the belief that the shop steward movement and the shop committee have been stamping grounds of the Communist Party. It is questionable that they have been merely that; and it is even more questionable that, given a greater measure of recognition and autonomy, and integrated into the union's structure, they would continue to be so. In any case, surely any success of the Communist Party in this sphere is a sign of the failure of other groups to get to grips with a rank-and-file movement. It does seem certain that, whether official union leadership likes it or not, this sub-movement will continue here, as it has in Great Britain. Quite apart from the exchange of hostilities during the past year between the A.E.U. and the A.C.T.U. on the subject, it is safe to say that the development of collective bargaining elements, particularly on the amount of above-award payments to be made, in a milieu which tends to keep employers and workers at arms length, will itself generate organisation at the level of the plant. The time will inevitably arrive when union leadership in general will have to come to terms with the shop steward movement and with shop committees.

One particular organisational deficiency within unions is the lack of research facilities. Only the A.C.T.U., A.C.S.P.A. and a few unions such as the Ironworkers' Federation and the Clerks employ any research staff, and even these are inadequate in number while their time is devoted mainly to advocacy or the preparation of advocacy or to other work that can hardly be called research. A typical product of this neglect, which is

by no means confined to unions of workers, is the inadequate presentation of economic data to the Commonwealth Conciliation and Arbitration Commission, not itself well endowed with knowledge or research facilities, and undue reliance on learned articles, leading to the kind of difficulties commented on by Mr. J. R. Kerr in the October, 1961, issue of this Journal.[2] The argument that the provision of such services is too costly is untenable in a country where workers get the advantages of unionism at bargain rates. There is an acute need for a heightened consciousness in Australian unions for a better understanding of the economy and of such matters as the distribution of income in the community and the effects on this of the various possible courses open to wage-fixing tribunals, for better and more informed and more sophisticated advocacy, and for a greater understanding of the needs of the union member and of his role.

Not itself a structural change but nevertheless integrative in its effects is the continuing accession of power to the A.C.T.U. Some evidence for this will be found in R. M. Martin's report on the biennial congress.[3] Though the promise implied therein has yet to be made good, none the less the fact that congress could reach such a resolution as it did on the handling of strikes involving penalties, a fairly sensitive field, suggests that affiliates, confronted with the organisation, have some feeling for its power. Another indication is the discipline imposed on the movement following the decision of the Conciliation and Arbitration Commission in the National Wage Case. The discipline was not complete (for example, there were stoppages among meat workers in Queensland at the behest of the union); and, it is true, it was in part obtained by the device of a further application which, in effect, appealed the decision and which from the outset was almost certain to be rejected, as it was. Nevertheless, a considerable consensus was obtained in a situation where there seemed, on the face of things at least, to be some will to dispute the decision by means of stoppages which were bound to be abortive. And finally, as an index of the continuing trend to more effective control over its affiliates, there is the manner in which the A.C.T.U. took some measure of control out of the hands of the W.W.F. after the passage of the Stevedoring Industry Act in Parliament. Here the central body was undoubtedly assisted by the low ebb of the relations between the Federation and the Government and the potential severity of the disciplinary action that the new Act would permit the latter to take, had the unrest on the waterfront continued.

But the field has not been entirely for the unions of manual workers. Whether white-collar workers, or manual workers for that matter, like it or not, the white-collar union can now be said to be an integral part of the trade union, even if not of the labour movement. In very great measure this development has been the work of the leadership of the white-collar movement, though, foreseeably, the process is probably irreversible just because the position of the white-collar worker is changing irreversibly. The role of the A.C.S.P.A. in the attempt to cope with the effects of automation has already been noted. There has been co-operation between the A.C.T.U., A.C.S.P.A., and the High Council of Commonwealth Public Service Organisations over a claim for four weeks' annual leave for employees of the Commonwealth Public Service and instrumentalities. This is a sphere in which a breakthrough by Commonwealth public servants to get what has already been granted to State employees in N.S.W. could pave the way for an alteration in the standard of Federal awards. Following the rejection of the claim by the Federal Cabinet in mid-October, the interstate executive of the A.C.T.U. took the initiative in calling a conference with A.C.S.P.A. and H.C.C.P.S.O. to plan a continued campaign for four weeks' leave.

The question of the right to strike is coming into the arena in white-collar

organisations, though at this stage it appears to be little more than an aspect of the leadership of, mainly, the A.C.S.P.A. The discussion was generated largely by an outburst by Mr. Justice Gallagher at the hearing of the National Wage Case at which the A.C.S.P.A. was represented by its research officer, Mr. J. P. Paterson. In Victoria the process went a bit further than discussion when members of the Secondary School Teachers' Association, angered by the refusal of the Government to consider reform of the Teachers' Tribunal after a number of decisions regarded as unsatisfactory by the employees, voted in favour of a stopwork meeting. A rather special case which might illustrate the pervasiveness of organisation arose in N.S.W. where the Public Medical Officers' Association, formed in 1926 and registered as a trade union in 1963, has taken what is in effect a work-value claim to the Industrial Commission. In the area of fixation of wages for white-collar workers, it has again been made clear that tribunals can resist the precedent of the Professional Engineers' case as a grounds of relativity, and the attitude of, for instance, Conciliation Commissioner Neil in the Municipal Officers' (Queensland) case seems to suggest that "work-value" rather than "wage-justice" is the road for white-collar groups seeking significant adjustments, to travel.

In sum, the year has been one in which pre-existent trends have continued to operate, substantially undisturbed by a few such atypical events as the dispute at Mount Isa mines. The biennial congress of the A.C.T.U., the most important single instrumentality of the trade union movement in this country, ought to be a time at which a summing-up, a taking of stock, can be made. In fact, it was not. The movement continues to feed upon itself and its past and nothing has happened upon which significant report can be made.

FOOTNOTES

1. See R. M. Martin, "A.C.T.U. Congress of 1965", *Journal of Industrial Relations*, Nov., 1965, p. 322.
2. J. R. Kerr, "Procedure in General Wage Cases", *Journal of Industrial Relations*, Oct., 1961, p. 81.
3. See Note (1) above