

THE JOURNAL OF INDUSTRIAL RELATIONS

The Journal of the Industrial Relations Society of Australia

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PROCEDURE WHERE EMPLOYEES ARE ON STRIKE

Throughout the history of industrial arbitration in this country, consideration has been given to the question whether either party to an industrial dispute is entitled to seek an arbitrated decision in its favour whilst that party is endeavouring to force a settlement by trial of strength in the form of a strike or lockout. Some members of the various tribunals have adopted the view that "direct action" is incompatible with the processes of arbitration and that a resumption of normal employer-employee relations is a condition precedent to the taking of steps to settle the dispute. Other members have adopted the view that if there is a dispute, it ought to be settled, strike or no strike. In the main, however, the tribunals have tended to adopt a more flexible approach, urging and often requiring a return to work in order that the processes of conciliation and arbitration may be brought into action, but nevertheless being prepared to investigate and deal with major issues if that be necessary to procure a resumption of work. The Industrial Arbitration Act (N.S.W.), has now been amended so as to require an investigation of the merits of the dispute irrespective of whether or not the employees concerned in the dispute may be on strike.⁵

This requirement is reinforced by a provision which forbids the making of an interim order or award, even to preserve the status quo, unless the causes of and the circumstances appertaining to the dispute have been investigated and the tribunal is satisfied that all reasonable steps have been taken to effect an amicable settlement.⁶

A similar concept is involved in the amendments relating to the institution of proceedings under section 100 of the Act for a penalty to be imposed on a union whose members are taking part in an illegal strike. Such proceedings cannot now be commenced without the leave of the Industrial Commission of N.S.W. and leave is not to be granted unless the Commission is satisfied that the employer has not taken part in any lockout which has given rise to the strike, has notified the dispute to the Industrial Registrar, and has made a bona fide attempt to negotiate a settlement of the issue. Furthermore, leave is not to be granted unless the causes of and circumstances relating to the dispute have been investigated or adjudicated upon by the Commission or by another tribunal.⁷

On the other hand, it is no longer necessary for proceedings under section 100 to be instituted while the strike is actually in progress. An application may now be made within fourteen days after the cessation of the strike.⁸ On occasions in the past, it has sometimes been necessary to open the office of the Industrial Registrar on a Saturday to receive such applications.

A further amendment provides that costs shall not be awarded in this type of proceeding.⁹ Orders for costs have usually been made in the past and the amount of the costs has sometimes formed a substantial part of the total detriment suffered by a union upon conviction. Although this has, no doubt, been taken into account in assessing the amount of the penalty, it will now be possible to assess the appropriate penalty in a more direct fashion.

FOOTNOTES

1. Act No. 37, 1964 (N.S.W.).
2. *Ibid.*, new sections 61Y, 61Z, 61AA and 61AB.
3. Basic Wage and Standard Hours Inquiry, 77 Commonwealth Arbitration Reports 477.
4. Act No. 34, 1955 (N.S.W.).
5. Act No. 37, 1964 (N.S.W.), new section 25 (5A).
6. *Ibid.*, new section 25 (5A).
7. *Ibid.*, new section 101 (1).
8. *Ibid.*, new section 101 (2).
9. *Ibid.*, new section 101 B.

AUSTRALIAN TRADE UNIONISM, 1964¹

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THE number of strikes occurring during the first nine months of 1964 was higher (12 per cent) than in the corresponding period of 1963, there being even greater increases in both the number of workers directly involved (72 per cent) and the number of working days lost (38 per cent). If this trend continued into the December quarter (the figures for which were not available at the time of writing), 1964 is likely to rank among the more notable post-war years in this respect, if only because of the number of workers directly involved in strikes which, for a nine-month period, was already greater than the corresponding *annual* figures for all but three years (1952, 1953, 1960) since 1945. In any event, 1964 is almost certain to turn out, in terms of all three categories, as being the industrially most disturbed year since 1960 at least. At the risk of appearing to oversimplify a complex pattern of events, it may be said that there were certain factors which were of more general importance than others in producing this situation.

In the first place, the economy was more buoyant than at any time since 1960; unemployment was low and there were serious labour shortages in many industries. The pressures on union leaderships to take advantage of these favourable circumstances for hard bargaining were intensified by events following the basic wage decision in June when the Commonwealth Arbitration Commission, which also rejected an employers' application for "total wage" hearings, awarded an increase of 20s. on the casting vote of the president.² Some price increases followed almost immediately, though they could not have materially affected the Consumer Price Index figures for the June quarter, which in any case showed an increase in the Australian average weekly cost-of-living of about 3s., the highest since the September quarter preceding the "credit squeeze" of November, 1960. Apart from widespread increases decided on by private concerns, the Commonwealth and, most notably at the state level, the Victorian budgets increased taxes and other charges in August and September. The all-capitals average of the Consumer Price Index for the September quarter rose about 4s. per week, the cost-of-living rise during April-September being greater than in any six-month period since 1956. Early in July, the Australian Council of Trade Unions called for Commonwealth action to stop "unwarranted" price increases, and threatened consumer boycotts, with the subsequent backing of the Australian Council of Salaried and Professional Associations (A.C.S.P.A.) and the High Council of Commonwealth Public Service Organisations (H.C.C.P.S.O.); and in September decided to apply for a compensating federal basic wage increase early in 1965, in response to which the National Employers' Policy Committee in December decided to make a fresh application on the "total wage" question.³ In September also, there were two unusually large demonstrations, the first involving 4,000 and the second 15,000 unionists, outside the Victorian Parliament in protest against price rises sponsored by the state government. The numbers involved testified not only to left-wing organisational skills (important as these undoubtedly were) but also to the existence of a genuinely felt grievance about the swift erosion of the basic wage rise.

In the second place, private employers, largely reflecting their central organisations' greater authority in recent years,³ tended to be less ready to negotiate sectional union claims than on other occasions when labour has been as short, and resorted frequently and with great promptness to statutory anti-strike penal provisions. Commonwealth government departments also entered the same field for the first time when the Departments of Supply and of the Navy each applied for a no-strike clause. At the same time, there were signs that arbitral authorities and governments at least were beginning to appreciate the implications of the manner in which employers have been using the strike penalty legislation. Thus when the important Transport Workers' Union reacted to heavy strike fines in April by calling for a national 24-hour protest strike of its membership, and held to its plan despite the vote of a subsequent A.C.T.U. Special Congress (84 to 63 in an unusual secret ballot) against a 24-hour strike of all transport unions on the penalties issue, a crippling stoppage was averted, after an eleventh-hour compulsory conference in May, by the deletion of the clause under which the T.W.U. had been fined a total of £3,300 within a few weeks. In November it was announced that the federal statutory penal provisions would be amended in order to provide for a 14-day "cooling-off" period before the provisions could be applied to strike action, and to restrict allowable costs in penal hearings to junior counsel unless the Industrial Court expressly permitted otherwise. The N.S.W. Labor government also relaxed its own penal provisions in October to prevent employers initiating penal proceedings without reasonable negotiation, and to provide additional grounds of defence for unions, including employer-provocation and unofficial strike action. In October, too, hearings began on union applications for deletion of the prototype compulsory overtime and no-strike clauses inserted in the federal metal trades award in 1947 and 1951, respectively, the Vehicle Builders' Employees' Federation making a similar application.³ Nevertheless, strike fines were imposed on unions during the year on a scale greater than ever before. The heightened strike activity of the period occurred despite this, and it is clear than an intensifying sense of grievance among unionists about strike penalties provided an additional lever for those committed to militant action on temperamental or ideological grounds, or for purposes of union politics.⁶ Foremost among these were Communist unionists, and at times during the year, it seemed possible that they might be working up to another "adventurist" period comparable to that of the late 1940's.

The militant left-wing, if anything, gained ground in struggles for official control of individual unions, if only because the right-wing lost the election for one of the three voting positions on the Amalgamated Engineering Union's Commonwealth Council, and thereby lost its Council majority. The retiring member, C. Shearer of no party,⁴ sought re-election but this time without the National Civic Council's support which was given to the candidature of J. E. Burke, a right-wing A.L.P. member, who was defeated in May when another A.L.P. member, R. Bruggy, won against four opponents with 4,530 out of 8,862 primary votes cast in a court-controlled ballot—some 23,000 papers having been distributed. In July, the well-known Communist secretary of the A.E.U.'s Melbourne district branch, L. Carmichael, increased his 1961 majority against the same right-wing opponent from 580 to 2,359 votes in a court-controlled ballot. When the Waterside Workers' Federation elections were held in July, the federal president, of no party, and the federal secretary, C. H. Fitzgibbon of the A.L.P., who was opposed by a Communist in 1961,⁴ were unopposed, but the three Communist federal officers were re-elected against right-wing opposition, and Communist candidates made gains in the Brisbane and Port Adelaide branches. An unusually complicated election in the W.W.F.'s

Melbourne branch saw the left-wing, aided by an A.L.P.-Communist "unity" ticket but handicapped by the Communist Party split (see below), effectively maintain its position against a partial ticket of right-wingers and a full ticket of A.L.P. members known as the "Fitzgibbon team". It failed, however, to gain the branch presidency which was won by a member of the "Fitzgibbon team", the long-standing right-wing incumbent not seeking re-election. Also notable in this respect was the electoral defeat (subject, however, to an appeal) of the secretary of the South Australian branch of the Australian Workers' Union, E. R. O'Connor, by D. N. Cameron, who is a brother of Clyde Cameron, M.H.R., and associated with the oppositionist Council for Membership Control of the A.W.U.⁴ As well as maintaining its position in the official leadership of other unions, the left-wing survived two new threats from outside the unions. In Queensland, a Protestant Democratic Movement was formed in March, claiming church support and the aim of combating Communism in trade unions, but seemingly without making any great impact so far.⁵ In New South Wales, the A.L.P. State Conference moved against "unity" tickets in June when it authorised the State Executive to certify, on request, the party membership of candidates standing in union elections on tickets consisting wholly of A.L.P. members. The Executive at first chose to ignore a subsequent Federal Executive instruction to deter action in the matter until it had been considered by the Federal Conference in 1965, but agreed to do so in November after the first and only union election in which it certified an A.L.P. ticket was won by the candidates on a "unity" ticket. In addition, the Victorian A.L.P. Conference in July readmitted the assistant state secretary of the Australian Railways Union, expelled on a "unity" ticket charge in 1963,⁶ and the State Executive later refused to expel W.W.F. "unity" ticket members.

On the other hand, the left-wing also had its reverses. In March the New South Wales A.L.P. Executive expelled three officials of the Federated Engine Drivers and Firemen's Association, and in December three officials of the Victorian Tramways Employees' Union were held to be automatically expelled after failing to return statutory declarations, relating to "unity" tickets. A vigorous left-wing campaign failed to wrest from the right-wing leadership of the Federated Ironworkers' Association any of some 250 positions decided by court-controlled ballot. Moreover, despite its provisional win in South Australia (see above), the Council for Membership Control of the A.W.U. failed in December to dislodge the union's federal secretary, T. Dougherty, who again defeated W. L. Deus, this time by a decreased but still overwhelming margin of 19,757 votes to 7,427 in a court-controlled ballot.⁴ At the level of inter-union organisation, the left-wing failed to steer the A.C.T.U. into direct action against strike penalties (see above),⁶ and the A.C.T.U. Interstate Executive in September refused to declare a boycott of South African cargoes following a series of anti-apartheid strikes by watersiders during June-September. Public criticism of the alleged inactivity of the A.C.T.U. leadership increased significantly in left-wing quarters, and a correspondingly greater disposition to defend the A.C.T.U. was displayed on the right-wing. (More surprising than these predictable consequences of the moderate/right-wing reconciliation since the reciprocal visits dispute,⁶ were the signs of a thawing in the traditionally hostile relations between the A.C.T.U. and the unaffiliated A.W.U.). Moreover, the left-wing-encouraged shop and area committee movement continued to embarrass moderate and right-wing officials,^{3,6} including the A.C.T.U. leadership which on a number of occasions condemned unofficial strike action initiated by rank-and-file committees and attempted to establish control of them. Its inability to do so in any complete sense, but also its ability to exercise at least a measure of

moral authority, were both demonstrated in June-September during its wage negotiations with the Departments of Defence and Supply; for while there were a number of unofficial strikes on the issue, it is apparent that these were both limited and delayed primarily as a result of outspoken A.C.T.U. directives.

Officially unauthorised action on the part of rank-and-file committees was responsible for much strike activity that probably would not have occurred otherwise, even given the presence of genuine issues such as those of general concern already mentioned. Nevertheless, the fact that such bodies were on the whole particularly strong and aggressive in Victoria^{3, 6} appears to be only part of the reason for that state being the storm-centre for much of the year—its strike statistics for the January-September period displaying, overall, easily the most dramatic rise on the comparable figures for 1963 (over 30 per cent more strikes, nearly 80 per cent more time lost, and almost treble the number of workers involved). Other local factors seem to have contributed heavily to this situation as well. There was, of course, the Victorian government's initiation in the latter part of the year of exceptional price increases (see above) which were chiefly responsible for the considerable difference between the Melbourne (1.7) and the national average (1.2) rise in the Consumer Price Index for the December quarter. Introduced much earlier, however, were two other factors of peculiar importance in Victoria, both relating to union politics.

In the first place, Victoria is not only the state in which Communist influence in official union circles has in recent years been greatest, with the qualified exception of Queensland (where the over-all rise in the January-September strike figures was greater than in any state except Victoria); but it is also the state in which the split in the Communist Party has had the greatest impact within the unions.⁶ The "Communist Party of Australia (Marxist-Leninist)", centred on Melbourne, was formally established early in the year by the breakaway "Peking" faction whose unionist supporters not only retained official positions that came up for election during the year in unions they already controlled, but in addition won two full-time positions in the W.W.F.'s Melbourne branch against the "Moscow" Communist official "unity" ticket. (One of these successful candidates, L. Hillier, had earlier been excluded from waterfront work in circumstances that suggested the union's leadership, including "Moscow" Communists, might have "run dead" in fighting his case.) The "Peking" party's unusual strength among Victorian unions appears to have subjected the left-wing leadership, and particularly "Moscow" Communist officials, to heavy competitive pressure of a kind that has further encouraged militant action on their part.

In the second place, it was in Victoria that the Communists and their allies suffered their greatest electoral setback of the year, following their loss of control of the Melbourne Trades Hall Council Executive at the end of 1963.⁶ This result was widely attributed to the T.H.C. assistant secretary, M. C. Jordan, and the left-wing, usually the first to complain about "political interference" in union affairs, reacted by securing Jordan's suspension from the A.L.P. in January on a charge of "disloyal and unworthy conduct"; but in March the A.L.P. Central Executive officially closed a stormy episode when it revoked Jordan's suspension, while saving face by finding him guilty of "unworthy conduct". A few days later, the left-wing suffered a more material setback in the death of J. V. Stout, T.H.C. Secretary since 1938. The resultant election was preceded by a stern struggle for votes between the left-wing and those supporting the candidature of Jordan who was narrowly elected by 144 votes to 131 at a packed Council meeting in April.⁷ The moderate/right-wing alliance consolidated its position

further, in May, when its candidate won the assistant secretaryship by 141 votes to 132 and, in June and December, when it secured the vice-presidency and increased its majority on the T.H.C. Executive and other standing committees. This narrowly achieved change of control did not, however, mean that the left-wing had lost all chance of determining T.H.C. decisions. Not only are left-wing delegates usually more consistent in their attendance of full T.H.C. meetings (an important consideration in the light of the voting figures noted above), but they could anticipate securing an effective majority on the T.H.C.'s important Disputes Committee, in particular cases, under the rule requiring the Committee's permanent membership to be augmented by representatives of the unions involved in any dispute it handles. There were thus still avenues through which the left-wing could seek to embarrass the new T.H.C. leadership. This consideration may well have contributed to the decision of the Disputes Committee in March (during the interregnum after Stout's death, when Jordan was acting secretary) to step up the six-month-old campaign on wage and leave claims for state government manual employees by setting a date for a 24-hour stoppage to be held if the Premier persisted in his refusal to discuss the claims. The Premier gave way on this occasion, but in May a similar threat, for the same reason, was carried out. Eleven unions were fined £300 each for this stoppage but, after meetings with the Premier, the Disputes Committee threatened a 48-hour strike, a threat that was later withdrawn, then renewed in September, and withdrawn again when the Premier agreed to a conference and subsequently offered jubilant T.H.C. leaders "service grant" increases, ranging from 9s. to 42s. per week, to eliminate government service wage disparities. The Premier's offer was formally announced on September 28, four days before the big General Motors-Holden's strike began; it seems probable that the launching of this spectacularly ill-planned strike owed at least something to the encouragement provided by the outcome of the government employees' dispute, during which the Premier had repeatedly given the impression that he could be swayed only by strike threats.

There was an even longer history of rejected claims in the G.M.H. dispute. The federal officers of the Vehicle Builders' Employees' Federation, organising close to 80 per cent of G.M.H. production workers, had asked for a general but unspecified increase in over-award payments for all their members employed by G.M.H. in April, 1963, and renewed the request in the following December. In July, 1964, foundry workers at the Fisherman's Bend plant formally asked their union, the V.B.E.F., to negotiate for them a special "inducement wage" of £3 on the ground of particularly difficult working conditions. In response to a subsequent resolution from its Fisherman's Bend shop stewards, however, the V.B.E.F. in August decided to extend the £3 claim to cover all its members in the plant, on the ground that it was necessary to compensate for price rises since the June basic wage decision (see above) and justified by the company's profitability. After the management had rejected this general claim on August 28, the V.B.E.F. submitted the special claim limited to foundry workers; this, too, was rejected on September 16. In accordance with the recommendation of a foundry workers' meeting on September 18, followed by a short stoppage, the V.B.E.F. called a meeting of all its Fisherman's Bend members for 2 p.m. on Friday, September 25. At this meeting, attended also by members and observers from some minority unions, it was decided to revive (not create, as has been alleged) the general £3 claim, and a deputation of union officials immediately entered the plant to present this claim. The deputation was supposed to report back to the same meeting, but before it had concluded its discussions the management representatives broke off negotiations on learning that the men at

the meeting had gone home—on the instruction, it appears, of L. Carmichael, district secretary of the A.E.U., who also initiated the proposal for a mass meeting on the following Monday morning. Work was resumed by the evening shift on Monday, the day the Premier's offer to government employees was announced. State officials of the four unions involved at this point (the V.B.E.F., A.E.U., Australasian Society of Engineers and Electrical Trades Union) entered into negotiations with G.M.H., and when these failed referred the dispute to the Melbourne Trades Hall Council. On Thursday, October 1, the T.H.C. Disputes Committee instructed production workers at Fisherman's Bend to strike the next day. This was the critical decision, rather than anything that emerged from the confused proceedings of the September 25 mass meeting to which commentators have devoted so much attention. For once strike action had been officially directed, and by way of a decision which laid down no time-limit, there was no turning back until either G.M.H. made real concessions or most of the strikers were exhausted. This was the consequence of a clearly genuine and widespread discontent among G.M.H. employees which had been fostered, among other things, by the contrast between the company's return of huge profits to its overseas owners and what was felt to be its parsimonious approach to the rewards of its employees. The failure of any union official at the early meetings of A.C.T.U. Disputes Committee (see below) to suggest ending the strike, despite serious private reservations among moderate officials about its prospects and origins, was one reflection of the initial sustaining force of rank-and-file discontent.

In accordance with the T.H.C. Disputes Committee's instruction, work at Fisherman's Bend plant halted on October 2. Workers at G.M.H. plants in Dandenong and Port Melbourne struck at the same time, and a mass meeting on Monday 5th decided that all should stay out. A G.M.H. decision to stand down 1,000 South Australian employees the following day enabled the V.B.E.F. federal executive to transfer control of the dispute to the A.C.T.U. On October 8, the A.C.T.U. Disputes Committee, consisting of A.C.T.U. officials and representatives of involved unions, extended the £3 claim to cover G.M.H. production workers outside Victoria as well, and its negotiating committee had an inconclusive meeting with G.M.H. representatives. By the evening of the 13th, over 18,000 G.M.H. workers were idle as a result of further stand-downs and walk-outs. As the second week of the strike closed, the Industrial Court penalised each of the five main unions £500 plus costs; and on the heels of a subsequent Disputes Committee decision to continue the strike, after weekend talks with management representatives, the Industrial Court again fined the same unions a total of £7,000 on the 20th—the day that mass meetings in Victoria and South Australia agreed to stay on strike. The first real easing of the Company's stand occurred as the result of talks between its managing director and the A.C.T.U. president on Friday, 23rd; it undertook to consider the general question of over-award payments if work resumed. The next day, as the strike entered its fourth week, the Disputes Committee, at a meeting attended by representatives of thirteen unions, voted 19 to 15 against these settlement terms despite their recommendation by both the A.C.T.U. president and the V.B.E.F. On the 27th, however, after the president had reported a hardening of the company's attitude following further talks, the Disputes Committee, attended by representatives of sixteen unions, voted 29 to 11 in favour of a ballot on the 30th of all G.M.H. employees affected. The Committee's resolution directed that the vote should be taken on a recommendation of the A.C.T.U. officers and executive members that work be resumed on essentially the same terms as those it had rejected three days earlier. (The Committee vote of 21 to 19, of which the Communist press later made much, was against a proposal for

a similar ballot to be held, but without reference to either the proposed terms of settlement or the A.C.T.U. officers' recommendation; Communist members of the Committee spoke against holding any ballot at all.) On October 30, precisely four weeks after the strike had started, a total of 4,763 formal votes to 1,929 were recorded in favour of a return to work in secret ballots open to some 18,000 G.M.H. employees in four states.

The G.M.H. stoppage was almost certainly doomed to failure from the start. This was not so much because it was directed against the subsidiary of an immense foreign concern and frankly opposed by the Commonwealth government, but rather because it was, as well, launched at the most favourable possible time from the management's viewpoint. Preparations for a new model Holden car to go into production early in 1965 were well advanced, and the management had already moved to reduce output of the existing model by cutting down overtime; significantly contrary to normal practice in such an industry, there was also little overtime worked after the strike had ended. Holden vehicles and parts were still available from dealers when work resumed; the strike in effect facilitated clearance of accumulated stocks of the existing model. Added to this the scale of the stoppage, in terms of both duration and numbers involved, created a serious financial problem when it came to the provision of strike pay; a collection of close to £60,000 being sufficient to give V.B.E.F. members alone only £5 each for the whole monthly period. Subsequent publicity given these facts (together with the way in which the strike was prolonged for a fruitless week against the wishes of the A.C.T.U. and the majority union, and in which organised "ginger groups" made a shambles of the final mass meeting in Melbourne) ensured that responsibility for the dismal outcome of the strike could not be easily escaped by the militant elements that played a vital role during the crucial early stages and later tried unsuccessfully to extend the dispute. They had made attempts at various times to spread the strike to Ford plants in Melbourne, to have all G.M.H. consignments declared black and to get the A.C.T.U. to call a general national stoppage in protest against the strike fines imposed. Thus while the moderate A.C.T.U. leadership may not have come out of the affair altogether unscathed in the eyes of many uncommitted unionists (though it was brought in only when the course of the dispute was already set), it is of some significance that since the immediate sequel of blame-laying, the Communist press has tended to bury the G.M.H. affair.⁸

There were rushes of stoppages throughout the metal industry and on the waterfront during the year; and it was early evident that the port Industrial Relations Committee ("peace committees"), formed in 1963 when the federal government limited penalty provisions relating to waterfront strikes,⁶ were virtually inoperative owing to procedural disagreements. In April, a strike by mail sorters in the Sydney G.P.O. paralysed postal operations for six days; rostering changes were the issue, but a faction fight within the Amalgamated Postal Workers' Union contributed, this time with a right-wing faction taking advantage of rank-and-file grievances to embarras left-wing officials. Direct action by Sydney truck drivers in December also had considerable impact. But undoubtedly the most important dispute of the year in economic terms, though the G.M.H. strike involved many more men, was the Mt. Isa dispute which was still unsettled at the year's end.

In August the Australian Workers' Union instructed 800 underground employees of Mt. Isa Mines Ltd. to work for hourly wages instead of the contract rates which had been customary in their case, although the remainder of the company's 4,000 manual employees were wage workers. This step, which cut the mine's copper output by more than 20 per cent, followed the state Industrial Commission's refusal to consider an A.W.U.

claim of a £4 rise for most mine employees. The claim, the Commission asserted, involved in effect a bonus increase which it was statutorily prohibited from awarding (though it could award a decrease) without the agreement of the employer.⁹ The relevant provisions had been enacted in 1961 to forestall a specific claim for a higher bonus at Mt. Isa and, on that occasion, led to an eight-week stoppage.⁴ In October the dispute acquired a second dimension when the miners rejected an official A.W.U. recommendation to withdraw the contract ban in view of the refusal by the president of the State Industrial Court to hear an appeal against the Commission's decision so long as the ban remained. Thereafter the economic effects of the dispute became increasingly apparent. In November, the company closed down its copper smelter and the Commonwealth government clamped an emergency prohibition on the export of copper and copper scrap. Domestic copper prices rose, partly for reasons of shortage (Mt. Isa having formerly supplied up to 75 per cent of Australian requirements) and partly because of a spectacular increase in the world price of copper. Apart from the national loss of export income and the general loss to the North Queensland economy, the state government was also losing heavily from the drop in rail freight. In December a rapid sequence of events brought the dispute to a head. A mass meeting of miners defied both the A.W.U. leadership and an Industrial Commission order to lift the contract ban; the A.W.U. expelled their unofficial leader, Eugene Markey, better known as Pat Mackie, who had been dismissed in October by the company; the state government, resorting again to a device it had successfully used in the 1961 dispute, declared a state of emergency and directed a resumption of contract work on pain of six months imprisonment or a £100 fine; before the miners' reaction was known, the Industrial Court president announced that he would hear the A.W.U.'s appeal against the August decision, and the Mt. Isa Trades and Labour Council admitted the disaffected A.W.U. members to affiliation as a group; the miners, however, refused to obey the emergency orders; the state government (in order "to prevent the complete close-down of mining operations at Mt. Isa", according to the Premier¹⁰) promptly transferred the initiative by authorising the Mt. Isa management to dismiss or suspend miners refusing contract work; on the next day, 15 December, the mine closed down after 231 miners were dismissed (others resigned) for refusing to transfer to contract work, and the President of the Industrial Court set aside the August decision; a few days later, in the 17th week of the dispute, the Industrial Commission awarded a £3 "prosperity loading" to Mt. Isa mineworkers after an extremely brief hearing. By this time, however, the matter was no longer to be settled so easily. The comparatively simple issue in dispute in August had mushroomed to include additional claims for other increased payments, review of the contract system, reinstatement of Mackie and company recognition of the Mt. Isa Trades and Labour Council, which were to be dealt with by a compulsory conference in January, at which it was hoped (fruitlessly, as it turned out) the dispute might be settled. The situation had been further complicated by the A.W.U.'s loss of control of its Mt. Isa membership, reflected in Mackie's emergence. This provided the Mt. Isa T.L.C. (and the strongly left-wing and anti-A.W.U. Queensland T.L.C., which moved openly to intervene in December despite Mackie's public statements against "outside" interference in general and "Comm." interference in particular) with the prospect of breaking the A.W.U. grip at Mt. Isa in order to establish a hegemony of the kind possessed at Broken Hill by the Barrier Industrial Council, which gave generous financial aid to the Mt. Isa miners. Another party with a close interest was the Council for Membership Control of the A.W.U. (see above); it is unlikely that the adoption by Mackie's group of the title, "Committee for Membership Control of the A.W.U.", was fortuitous.

Unrest expressed in direct action or threats of direct action was not confined to manual workers, but was also evident among organised white-collar workers. Air transport again figured high in the list with a 3-day strike (February) and a strike threat (May) by Qantas pilots,¹¹ followed by averted strike decisions on the part of domestic airline hostesses (June) and flight engineers (October). Mental hospital nursing staffs were involved in short stoppages in Queensland (February) and Victoria (December). Salaried staff in state government instrumentalities threatened strike action in Victoria (April, November-December) and New South Wales (August), and in one or two cases held short or partial stoppages. In October certain privately-employed draughtsmen and planners in Sydney withdrew an overtime ban (October) and ships' officers withdrew a strike decision (November), in both cases under pressure from the Arbitration Commission, while the Models' and Mannequins' Guild threatened in July to picket a Melbourne department store.

As well as amending its anti-strike penal provisions (see above), the New South Wales government made or promised other legislative changes during the year. It increased the state basic wage in October, to bring it up to the new federal basic wage (see above), and abandoned the system of automatic quarterly adjustments of the state basic wage in accordance with movements in the Consumer Price Index—a bitter pill which the government sought to sweeten further by, among other things, increasing statutory workers' compensation payments and the earning rates and notice relating to annual leave. Victoria, Queensland and Tasmania passed legislation, and the Western Australian Industrial Commission varied its awards, to bring their long-service leave provisions into line with the first contested federal awards on the matter, which the Arbitration Commission handed down for the metal trades and printing industries in May.^{6,9} These new provisions, which the Commission refused to cancel on union request in December, were more liberal than those of the corresponding legislation in all states except New South Wales.¹² Other legislative moves included the Commonwealth's enactment of higher workers' compensation rates, and the Victorian government's promise to add to the powers of the state Industrial Appeals Court in order to facilitate the inclusion of major Commonwealth decisions in state wages boards' determinations; while the New South Wales government agreed to grant full political rights to policemen,³ and in October legislated to give some protection to employees made redundant by the introduction of automation and mechanisation.

As is suggested by the action of the New South Wales government, together with plans announced by the Australian Stevedoring Industry Authority, the calling of a conference on technological changes in the printing industry by the Department of Labour and National Service, and, perhaps, the Victorian Employers' Federation's formation of a "job creation" committee, a little more serious attention was beginning to be paid outside the unions to the social problems raised by automation and mechanisation. For the unions, the principal immediate solution of these problems is shorter working hours, and in September the A.C.T.U. decided to widen the 35-hour week campaign beyond the coal-mining and power-generating industries.³ The most publicised introduction of automated and mechanised techniques during the year occurred in cargo-handling and banking. However, other occupations were also affected, and on the side of manual workers, the pressures towards such developments were reinforced by the intensifying shortage of skilled workers, which also led to proposals for shorter-term solutions. Early in the year the Commonwealth government raised the question of "supplementary training" schemes along the lines of the wartime "dilution" programme. The government's proposals were

formally rejected by an A.C.T.U. conference in June, and the unions later declined to discuss compromise proposals. In September, however, they agreed to abandon the 17-year age limit for the shortened apprenticeships which they had accepted for certain trades in 1962,⁸ and this scheme was extended by agreement to further trades in the metal industry, while the employers initiated moves to apply it in the aircraft and vehicle building industries through the federal Arbitration Commission.

The Waterside Workers' Federation achieved, if on a limited scale, its own breakthrough on the mechanisation problem, and also on the question of retirement pensions. In November the Australian National Line (in relation to its Bass Strait service) and Star Shipping of Norway agreed to pay a 10 per cent surcharge on watersiders' wages into two funds, one to insure the watersiders concerned against the effects of mechanisation and the other to provide them with retiring pensions; the union, in return, agreed to co-operate in the use of new mechanical loading devices. The Federated Ironworkers' Association, which pioneered the lump sum retirement pension for manual workers as a fringe benefit,⁹ concluded a further three such agreements with private firms during the year. A white-collar organisation, the Association of Professional Engineers, entered more directly into the pensions field in July when it announced the establishment of a superannuation fund for its members as a means of circumventing the non-transferability principle attaching to employer-established schemes.

White-collar associations, while interested in the manual unions' campaign for a shorter working week, placed their immediate hopes of greater leisure in achieving four weeks' annual leave and thus restoring the comparative advantage which many of them, particularly public servants, lost when manual workers gained three weeks' leave.¹⁰ In March the A.C.T.U., A.C.S.P.A. and the H.C.C.P.S.O. agreed to initiate a joint four weeks' leave campaign on behalf of employees in the public service of the Commonwealth and all states except New South Wales, where the annual leave of 160,000 government employees had been increased to four weeks in February. Negotiations with the Commonwealth Public Service Board had achieved nothing by the end of the year, and the Victorian Public Service Board, empowered in April to determine the duration of state public servants' annual leave, had taken no action.

White-collar salary gains with implications extending beyond the groups directly affected were made in awards covering drafting and technical assistants (February) and "unqualified engineers" (July) in the Commonwealth Public Service. On the other hand, in November, after N.S.W. teachers had received salary rises, the Victorian Teachers' Tribunal refused even to consider, before the end of the year, pay claims submitted to it—an action which aggravated existing unrest on the score of salaries and the signing of time-books in state secondary schools. There was also evidence of substantial dissatisfaction in an unusual and (in one sense) unorganised quarter, leading to a High Court decision in August that officers of the armed services are not free to resign on their own initiative. A notable irritant affecting white-collar employees, particularly public servants, was the very substantial salary and allowance rises obtained during October–December by parliamentarians, in the Commonwealth and Victoria, and senior public servants, in the Commonwealth and New South Wales. Apart from their size, the feature of these increases that drew most comment (among manual unionists as well) was that they were determined without recourse to normal arbitration procedures, a feature also of the way in which smaller but still substantial salary increases for university academic staffs were determined in the same period.

In mid-year the Administrative and Clerical Officers' Association initiated discussions on a proposal to establish a "National Council of Employees

of Australia" in order to formalize further the consultative arrangements already existing between the A.C.T.U., the A.C.S.P.A. and H.C.C.P.S.O.³ Earlier, in April, white-collar associations had joined with manual unions in an A.C.T.U.-sponsored conference as part of the equal pay for women campaign which made some progress during the year. Some equal pay agreements were concluded in Victoria, notably in the furnishing trade; some women shop assistants were granted equal margins under a Victorian wage boards determination (subject to appeal) and a federal award (appeal dismissed); as also were women brewery clerks covered by a federal award (appeal dismissed); and a private bank appointed a woman teller and applied the equal pay principle for the first time in banking. On the other hand, the Victorian Teachers' Tribunal in June refused to follow the N.S.W. example and grant equal pay in the state educational system; and the Postmaster-General, after a narrowly-averted strike in December, refused to apply the principle to women letter-sorters in Sydney, despite its long-standing operation in the Melbourne mail branch.

An important step was taken against discrimination of another kind in October when the A.W.U. applied for a federal award variation to give aboriginal station hands the same wages as whites; the separate North Australian Workers' Union foreshadowed a similar move relating to the Northern Territory. Two other noteworthy events marked the last weeks of the year. In November the Seamen's Union, by agreement, handed over to the Department of Shipping and Transport its long-standing control of the allocation of ship crews; in return, it gained improved conditions, including attendance money, payments and higher penalty rates. In December the Trade Union Clinic and Research Centre, with outpatient facilities and a small hospital specializing in industrial accidents and diseases, was officially opened in Melbourne. The Centre, initially costing more than £150,000, was sponsored by the Victorian branch of the Australian Meat Industry Employees' Union; its foundation owed much to the inspiration and energy of the union's state secretary, G. Seelaf, a member of the Communist Party.

The long-drawn amalgamation negotiations between the two main printing industry unions moved appreciably closer to finality during the year,⁶ as also did those between the Boilermakers' Society and the Blacksmiths' Society,⁷ and there were tentative moves in the same direction on the part of the Miners' Federation and the Colliery Miners' Union of W.A. The W.A. Amalgamated Society of Railway Employees, on the other hand, rejected a proposal to affiliate with the Australian Railways Union. On the side of non-manual associations, the establishment of a fully national association of employees of private and state banks was virtually completed by the year's end⁸ and the first meeting of the Liaison Committee set up between this association and the Commonwealth Bank Officers' Association was held in March. In addition, the Commonwealth Postmasters' Association initiated discussions in November with the Third Division Telegraphists' and Postal Clerks' Union on the question of amalgamation, and the N.S.W. Nurses' Association entered into similar discussions during the year with the Australasian Trained Nurses' Association.

FOOTNOTES

1. The period covered in this review is from 1 January to 31 December, 1964.
2. See "Advocatus," "Legislation and Decisions Affecting Industrial Relations," *J. of Industrial Relations*, 6/3, November, 1964, pp. 267-72; Keith Hancock, "Wages Policy in Australia 1964" *ibid.*, pp. 256-61; Kingsley Laffer, "The Total Wage," *ibid.*, 6/2, July, 1964, pp. 72-7.
3. See R. M. Martin, "Australian Trade Unionism, 1962," *ibid.*, 5/1, April, 1963, pp. 53-7.
4. See R. M. Martin, "Australian Trade Unionism, 1961," *ibid.*, 4/1, April, 1962, pp. 61-5.

5. See "Australian Political Chronicle: Queensland", *Aust. J. of Politics and History*, 10/2, August, 1964, p. 236.
6. See R. M. Martin, "Australian Trade Unionism, 1963", *J. of Industrial Relations*, 6/1, March, 1964, pp. 67-72.
7. See "Australian Political Chronicle: Victoria", *loc. cit.*, p. 233.
8. For example, the December, 1964, issue of the *Communist Review*, pp. 366-8, included a survey article, "Victorian Workers on the Move", which paid a great deal of attention to the government employees' dispute and its successful outcome, but omitted even to mention the G.M.-H. strike.
9. See "Advocatus", *loc. cit.*
10. *The Australian*, 15 December, 1964.
11. See J. R. Kerr, "Industrial Relations, 1963-64", *J. of Industrial Relations*, 6/3, November, 1964, pp. 177-8.
12. See "Advocatus", "Legislation and Decisions Affecting Industrial Relations", *J. of Industrial Relations*, 6/2, July, 1964, pp. 66-7.

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BOOK REVIEWS

LONG SERVICE LEAVE (NEW SOUTH WALES)

By J. C. Moore and Vernon Watson (Law Book Co. of Australasia Pty. Ltd., Sydney, 2nd ed., 1963), pp. vii + 73. Price 21s.

THE second edition of the annotation of the New South Wales Long Service Leave Act has incorporated the amendments made by the legislation of 1963, and Mr. Watson's notes on the present law include not only notes of relevant court decisions but also discussions of a number of doubtful points on which so far no authoritative decisions have been forthcoming. There is, for example, a discussion in some detail on the effect of interruptions to the period of service where a number of new aspects of this matter are raised, and this is followed by a treatment of some of the problems which arise when an employee has performed part of the period of service in, and part of it outside, New South Wales.

On this latter point the author has suggested that the test is whether the relevant factors point to the employment being substantially a "New South Wales employment"; if this test is satisfied, then it matters not that part of the service has been outside the State, nor even that the employment has been terminated while the employee is still serving out of the State. While of course this appears to accord with recent expressions of judicial opinion on the territorial effect of State laws, it is a view which is likely to come as a surprise to many employers. It is quite possible that many of them would regard this last circumstance as ruling out the application of New South Wales law to such a case.

These are but several of a number of practical problems which the authors, with their usual skill and precision, have sought to resolve. Since the book was published, Federal long service awards have been made in a number of industries and, although there are some minor differences, the broad principles and terminology in these awards, like those in the corresponding laws of the other States, have followed closely the terms of the New South Wales law; Mr. Watson's second edition will thus prove useful in relation to the application of these other long service leave provisions.

There is one aspect of style which I would hope to see altered in the later editions which I am sure will follow. The sections in some parts of the Act are somewhat long and the author's detailed notes are of course even more expansive—in the case of s. 4 they occupy eight and fourteen pages respectively—while cross-references from the notes to another part of the book are in the form of "see s. 3 and notes thereto", but the headline on each page gives no clue as to which section is being dealt with on that page. Following such cross-references can be quite a chore, and the publishers might on future occasions adopt some device which will make the book even more useful for its readers.

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STUDIES IN LABOUR IDEOLOGY, No. 1, THE NORDIC COUNTRIES

By David J. Saposs, The University of Hawaii, Industrial Relations Centre, Honolulu, 1964, pp. 82. Price \$2.50.

THIS useful monograph, covering Denmark, Finland, Iceland, Norway and Sweden, is the first in a series of three. By now its companion volumes on