

The Journal of Industrial Relations

The Journal of the Industrial Relations Society

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RECENT DEVELOPMENTS IN TRADE UNIONISM

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IT is a truism that the history of the 'orthodox' trade unions—those which we think of as being part of 'the trade union movement'—is determined by the interaction of industrial and political factors, meaning respectively those pertaining to the conditions under which their members are employed and those pertaining to their role as instruments of social reform over a broader field. The past year has seen remarkably few changes, especially on the 'political' side. This has been partly a reflection of the general state of political stalemate throughout the country. On the 'industrial' side, the period was marked by some notable union successes, though few of these occurred in 1960. Outside the trade union movement—that is, broadly speaking, among the white-collar workers—there were some developments which, though of minor importance in themselves, may later have a significant place in the history of unionism in general.

In practice, of course, the division between industrial and political influences and activities is impossible to apply accurately, as may be illustrated by the affairs of the Australian Council of Trade Unions during this period. The A.C.T.U. leaders have been subjected to continual attack by anti-Communist union officials for allegedly succumbing to Communist pressure, principally on issues which are primarily political, such as its decision to invite delegations from trade unions in Communist countries to visit Australia and to levy Australian unions to meet their expenses. Some of these clashes have occurred on even more distinctively political issues, as when anti-Communist officials unsuccessfully opposed a motion at the A.C.T.U. Congress of September, 1959, which demanded a reduction in defence expenditure.¹ Despite the vehemence with which the A.C.T.U. leaders were criticised, opposition was confined to a small group of affiliated unions. Wholehearted opposition to the A.C.T.U.'s political tendencies was practically confined, among the larger unions, to the Federated Clerks' Union and the Federated Ironworkers' Association, together with the Australian Workers' Union which, of course, was not affiliated to the A.C.T.U. The A.W.U. leaders from time to time spoke of establishing a rival trade union federation which would be anti-Communist in its political outlook, but they clearly lacked worthwhile support. The Ironworkers' and the Clerks' Annual Conferences both discussed disaffiliating from the A.C.T.U., but contented themselves with warnings.²

This failure of the anti-Communists to make much impression had two main explanations, one political and one industrial. The Ironworkers' and the Clerks' were both affiliated in Victoria to the Democratic Labour Party and the main body of union officials was determined not to do anything which would give aid and comfort to the D.L.P. and its overt and covert supporters. The A.C.T.U.'s industrial activities, in this field regarded as its essential purpose, were generally successful and in this field Communist policies were often defeated. At the 1959 Congress a Communist move for a strike action against penal clauses in industrial legislation was easily defeated and the Communists lost one of their four members on the sixteen-member Interstate Executive.

This is not to deny that in many respects the A.C.T.U. industrial policy was in agreement with that of the Communist Party, nor that this was encouraged by the increased sympathy between the two on political matters. Penalties for breaches of arbitral decisions, though in fact imposed almost entirely on Communist-led unions, were opposed by the A.C.T.U. and not even 'right-wing' unions had the temerity to support them. The A.C.T.U. supported individual Communist-led unions in a number of disputes which they might have opposed in the political climate of the early 1950s.

Another A.C.T.U. decision was also affected by political considerations, though in a more complex manner. This was the decision of the 1959 Congress that an autonomous industrial body should be formed in Western Australia, where the Australian Labour Party has always acted as the State constituent of the A.C.T.U. The change was supported by both Communists and supporters of the Democratic Labour Party who for once found themselves on the same side. The Congress declared that the arrangements should be completed within two years, but it is clear that resistance in Western Australia will take much longer than this to overcome.

One of the A.C.T.U.'s continuing successes, which disarmed many of its political critics, was its continued recognition as the desirable if not the only means of communication between its affiliated unions and the Federal Government. Others were its notable achievements in the principal arbitration proceedings of 1959, the basic wage judgment in June and the margins judgment in November which granted increases of 28% in margins, in the first instance within the metal trades. Though the unions, perhaps with tongue in cheek, restrained any enthusiasm over these decisions, they were widely regarded as distinctly favourable and largely attributable to the newly appointed research officer of the A.C.T.U., Mr. R. J. Hawke, who led the union advocates on both occasions. His appointment was one reason given for the A.C.T.U.'s increase in affiliation fees from 6d. per adult to 9d. per adult member at the 1959 Congress. Since total affiliation fees for the previous year were only £11,000, the increase was in keeping with the parsimonious and downright inadequate financing which marks Australian trade unions.

The first half of 1960 was, at least on paper, less satisfactory to the unions and was marked by increasing, though limited, industrial disturbances. The Conciliation and Arbitration Commission rejected the unions' 1960 basic wage claim altogether and individual members of the Commission (respectively Ashburner and Foster, J.) followed this by new awards for seamen and water-side workers which led to a prolonged and as yet unfinished series of strikes and bans.

The new award for seamen, made by Foster, J., in January, 1960, provided for increases in margins ranging from 22% to 28%, but also reduced penalty rates for weekend work, with the justification that weekend leave would be more readily available. The A.C.T.U. endorsed the Seamen's Union protest against the award on the ground that it might lead to a general move for the reduction of penalty rates and proposed that Mr. Justice Foster reconsider the award. Four months later the union was fined £300 by the Commonwealth Industrial Court for 'failing to ensure that its members did not refuse weekend work'. This was immediately followed by demonstrations in the offices of shipping companies in Melbourne, involving some disorder and violence, and shortly afterwards there were similar demonstrations in Fremantle. Mr. Monk, for the A.C.T.U., and Mr. E. V. Elliot, secretary of the Seamen's Union, both condemned any willful damage to property, but Mr. Elliot endorsed the holding of the demonstrations. The stoppage which occurred on this occasion led to a further fine of £500 on 13th May, which in turn produced more demonstrations in Melbourne, which were broken up by the police

amid some disorder. An appeal against the award was rejected by Foster, J., in July and this was followed by further stoppages.³

The first completely new award for waterside workers since 1936 was issued in March. It included a clause prohibiting bans and stoppages of work, and for this reason was also condemned by the A.C.T.U. The W.W.F.'s own grievances became entwined with an ineliminable dispute in the Victorian railways which resulted, in turn, in the cessation of Sunday train services, the cessation of Sunday work on the Melbourne waterfront, the firing of the W.W.F. and further protests and demonstrations.⁴ In the first half of 1960 there were also smaller disputes in the metal trades, the Queensland railways, the Broken Hill mines and among milk carters in N.S.W., and the total number of working days lost for the half-year was 295,000, or an increase of 60% on the figure for the same period of 1959.

The failure of the unions' basic wage case in 1960, the unfavourable features of some other awards and a sharper increase in price levels did something to encourage industrial stoppages, but so did a more intransigent attitude by the Communist Party of Australia which had become clear some time before these unfavourable industrial features developed.

From time to time the appearance of 'unity tickets' for trade union elections, in which Communists and members of the A.L.P. jointly appealed for support, received publicity, but the political balance within the unions remained practically unaltered during this period. One possible exception was the election of Mr. C. Shearer to the Federal Council of the Amalgamated Engineering Union in December, 1959, when he defeated the retiring Communist member. Mr. Shearer's election was challenged because he allegedly broke a union rule by issuing propaganda during the election. Mr. Shearer then challenged the rule which prohibited the issue of propaganda as a violation of section 140 of the Conciliation and Arbitration Act, upon which his opponents challenged the validity of section 140. In July the High Court unanimously upheld the validity of section 140 and the argument, now before the Industrial Court, has reverted to whether the rule prohibiting propaganda is unfair, oppressive or tyrannical.⁵

In another important case, the Industrial Court ordered the reinstatement of Mr. C. R. Cameron, M.P., as South Australian Vice-President of the A.W.U. in April, 1960. Mr. Cameron had been expelled from the union in July, 1959, after he had attacked the control of the union in a parliamentary speech.⁶ This followed the disallowance of nine of the union's rules by the Industrial Court in November, 1959, including one which gave various authorities of the union the right to expel any member guilty of misconduct.⁷ In this case, of course, Communist influence was not directly involved, Mr. Cameron and his opponents among the A.W.U. leaders all being members of the A.L.P.

During this period there were some signs of increased activity and militancy among trade unions of white-collar workers, but these developments remained very limited.

One union of non-manual workers, though hardly a typical one, not only used direct action effectively but, unlike even the Communist-controlled unions, broke with the arbitration system altogether. This was the Australian Air Pilots' Association, which reconstituted itself in July, 1959, as the Australian Federation of Air Pilots, the new body not being registered under the Conciliation and Arbitration Act. This course resulted from the heavy fines imposed on the Association during a seven-day strike in November, 1958. The new Federation, by threats of a further stoppage, gained substantial increases for its members in April, 1960.⁸

The most notable success among other white-collar unions was probably the Australian Bank Officers' Association's negotiated agreement with the trading banks in December, 1959, which followed threats of possible

stoppages of work and sharply reversed a long-term tendency for this group to fall behind in its relative incomes.⁹ However, the principal white-collar unions remain in the public services, especially of the Commonwealth, carrying on the same activities in much the same way as for the past forty years.

An organisation primarily of and for non-British migrants, the New Citizens' Council, registered as a trade union in N.S.W. in June, 1959. Whether it was intended to supplement or to replace existing trade unions was never altogether clear, but one of its principal complaints was that New Australians were excluded from the management and many of the benefits of unions. After being attacked by Commonwealth ministers, trade unions and other employers' representatives, the new body withdrew its trade union registration in February, 1960, and announced that it would henceforth function as a political party.¹⁰

FOOTNOTES

1. *Sydney Morning Herald*, *The Age* and *The West Australian*, 1-5 September, 1959.
2. *S.M.H.*, 30 June, 1959; *The Clerk* (Melbourne), June, 1960.
3. (1960) 15 *Industrial Information Bulletin* 223, 425, 555; *S.M.H.*, 28 April, 30 April, 14 May, 27 July, 1960.
4. (1960) *I.L.B.* 242, 243, 425; *Age*, 10 March, 29 April, 3 May, 5 May, 13 July, 1960.
5. *Age*, 17 December, 1959.
6. (1960) 15 *I.L.B.* 327; *S.M.H.*, 27 April, 1960.
7. (1959) 14 *I.L.B.* 1209; *Age*, 1 December, 1959.
8. *Age*, 11 July, 1959.
9. *Age*, 5 June, 1959; *S.M.H.*, 22 December, 1959.
10. *S.M.H.*, 27 June, 8 August, 1959, 12 February, 26 February, 1960.