



The Journal of Industrial Relations

The Journal of the Industrial Relations Society

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The Journal of Industrial Relations is published twice yearly and is supplied free of charge to members of the Industrial Relations Society. The subscription for non-members is £1 per annum post free, or 10/- post free for single copies. To save book-keeping, etc., it would be appreciated if subscriptions were sent in advance.

Editorial communications and books for review should be sent to the Editor, Mr. K. M. Laffer, c/o Dept. of Economics, University of Sydney, Sydney. Manuscripts submitted for publication should be sent in duplicate.

Business communications, including subscriptions to the Journal, should be sent to the Business Manager, Mr. P. J. Self, c/o Employers' Federation, Goldsbrough House, 11 Loftus St., Sydney, N.S.W.

Volume 4, No. 1

APRIL, 1962

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THE JOURNAL OF INDUSTRIAL RELATIONS

The Journal of the Industrial Relations Society

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that for s. 88E to have achieved this result "existing contracts, previously valid under the common law and Statute, would have been superseded and the right to enter into such contracts in the future would have vanished". The words used in the section were held not to have expressed this intention.

BASIC WAGE

For the reasons given in the decision of 4th July, 1961, by the Conciliation and Arbitration Commission following the Basic Wage Inquiry of 1961,¹⁵ no inquiry was conducted this year by the Commission. In fact the hearing of the adjourned proceedings in February of this year was of very short duration indeed. No net change in prices as reflected in the Consumer Price Index had occurred over the relevant period and no adjustment was made in the rates of the basic wage as increased by 12/- per week in 1961. From what was said by the representatives of the parties at the adjourned hearing this does not appear to mean an acceptance that the basic wage should be adjusted annually in conformity with the Consumer Price Index. No argument, however, was addressed to the Commission on the matter. Further hearing of any issues to be raised has been adjourned to February, 1963.

FOOTNOTES

1. (1949) 78 *C.L.R.* 529.
2. (1950) 81 *C.L.R.* 537.
3. By the Industrial Arbitration (Amendment) Act, No. 29 of 1959, s. 12.
4. Law Book Company's *Industrial Arbitration Service* C.R. G.58.
5. For definitions and extent of ex-servicemen preference see decision referred to in footnote 4.
6. 16 *Industrial Information Bulletin*, 1221.
7. 73 *C.A.R.* 154, and 75 *C.A.R.* 142.
8. 16 *I.I.B.* 859.
9. Vol. 3, p. 260.
10. Stewarding Industry Act No. 39 of 1961.
11. (1954) 92 *C.L.R.* 529, 1957 *A.C.* 274.
12. 14 *I.I.B.* 904.
13. 16 *I.I.B.* 1217.
14. Not yet reported.
15. 16 *I.I.B.*, May, 1961, p. 404a, and see *The Journal of Industrial Relations*, October, 1961, Vol. 3, p. 136.

AUSTRALIAN TRADE UNIONISM, 1961

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FOR a time during 1961 it seemed that the Australian Council of Trade Unions was on the verge of an internal split comparable in seriousness, though in little else, with that in the American Federation of Labor in the 1930s. A number of right-wing unions, eventually reduced to a hard core of 18, declined to pay the levy that the A.C.T.U.'s Interstate Executive had imposed in order to finance reciprocal visits by union officials from Communist as well as Western countries. The 18 unions' refusal meant they were ineligible to attend the A.C.T.U. Congress in September, and the possibility of their forming an "anti-Communist" federation, in opposition to the A.C.T.U., was widely canvassed. Events at Congress, however, failed to provide the impulse necessary to precipitate such a move,¹ and the fact that the A.C.T.U. leadership still held the initiative was confirmed late in September when, after a "secret" meeting, the dissidents and their sympathisers announced they would form a new trade union centre *if* the A.C.T.U. expelled the 18 unions refusing to pay the levy. The A.C.T.U.'s leaders have given no indication that they are anxious to provoke a breakaway. Not only have they made no attempt to expel the dissidents, but in December they abandoned the reciprocal visits proposal, and instead decided to act as host to all overseas union delegates attending the next Asian regional conference of the International Labour Organization to be held in Melbourne. Earlier, moreover, the A.C.T.U. President in October threatened action against any union which contravened A.C.T.U. policy by sending observers to the 1961 Congress of the Communist-controlled World Federation of Trade Unions, with the result that a number of left-wing unions rescinded decisions to this effect.

These events, combined with the outcome of the A.C.T.U. Congress and of the recent election in the A.C.T.U.'s biggest affiliate, the Amalgamated Engineering Union (see below), took what might be said to be the charge of Communist-control which has been levelled at the A.C.T.U. by the proponents of a breakaway from it. Only one of the 18 unions refusing to pay the levy, the Hospital Employees' Federation in October, has formally disaffiliated from the A.C.T.U. up to the time of writing. The officials of some others, associated at some remove with the Democratic Labor Party, are thought to favour disaffiliation but for technical reasons depend on others to set the pace, their unions in the meantime remaining affiliated through unfinancial. In Queensland, however, where the A.C.T.U.'s State Branch, the Queensland Trades and Labour Council, is under heavy and open Communist influence, 14 unaffiliated right-wing unions formed a separate Combined Industrial Unions' Committee in June. But it is not without relevance to the problems facing a breakaway from the A.C.T.U. that even in the more favourable circumstances existing in Queensland, the sponsors of the Committee found it politic to maintain that they were not founding, "a movement in opposition to any already established Industrial Organisation".²

The levy dispute has provided the traditionally unaffiliated Australian Workers' Union with its greatest opportunity to date of checking the A.C.T.U.'s developing authority since the war. But its leaders' continuing antipathy towards the A.C.T.U. (they have actively promoted proposals

for a new trade union centre) has not escaped criticism within the union, and has been raised as an issue in the internal struggle that has intensified since the attempt to expel C. R. Cameron, M.H.R., formerly the union's South Australian vice-president.⁵ The Industrial Court's reinstatement of Cameron was confirmed by the High Court, the union being refused further right of appeal by the Privy Council in January, 1961. In the following month, the union's Annual Convention resolved to exclude parliamentarians from official positions, and Cameron was subsequently ousted from A.W.U. office. The opposition meanwhile had established a Council for Membership Control, and a journal (*The Voice*), identified with Cameron and apparently drawing its main strength from the A.W.U. membership in Broken Hill, official recognition of whose branch has since been withdrawn by the union. In the election of January 1962, the federal secretary, T. Dougherty, defeated his C.M.C. opponent, W. L. Deuis of Broken Hill, by 24,415 votes to 3,198; and in February the A.W.U. Convention directed the South Australian Executive to check Cameron's eligibility for membership of the union under a new rule, with the predictable result that he will be unable to renew his membership ticket.

Much more spectacular than the A.W.U. election was that which arose from the death in July of J. Healy, general secretary of the Waterside Workers' Federation, member of the A.C.T.U. Interstate Executive, and acknowledged leader of the Communist bloc in inter-union affairs. Healy defeated V. C. Alford, of the Democratic Labor Party, by 16,031 votes to 3,683 votes in the union's triennial elections, but died before the ballot was formally declared. The union's Federal Council rejected Alford's claim to the secretaryship, a claim which was probably justified under the rules, and a second election for the position was held on 14th November. The main contestants were C. H. Fitzgibbon, Newcastle branch president of the W.W.F. and a member of the N.S.W. Central Executive of the A.L.P., and T. Nelson, Sydney branch secretary and a member of the Communist Party. Alford did not nominate for the second election on the stated ground that he did not wish to split the "anti-Communist" vote, Waterside Workers' Federation elections being conducted on the first-past-the-post principle. In the event, despite the last-minute nomination of two non-Communist Sydney branch members, Fitzgibbon defeated Nelson by 11,175 votes to 8,948 in a total formal poll of 20,307 votes.

This election was marked by the most open official entry of the Australian Labor Party into a union election since the hey-day of the Industrial Group movement. The A.L.P. Federal Executive announced, if in carefully unspecific terms, its support for Fitzgibbon, while some individual A.L.P. leaders, notably A. A. Calwell, did so with less circumspection. This gave the election the appearance of a direct confrontation between the A.L.P. and the Communist Party, the dramatic quality of which was heightened by the peculiar prominence of both the union and its late leader, and by the fact that a single key office was at stake which avoided the complications likely to arise with "teams" and "tickets". Set as it was against the background of long-standing attacks on the A.L.P.'s inactivity on "unity tickets", and with a federal parliamentary election following less than a month later, such a union election was bound to attract intense public interest and to have unusual political implications. It is questionable, however, whether its result will lead to any great change in the Waterside Workers' Federation's industrial policies, as appears to have been assumed in some quarters.⁴ Apart from the fact that, for the next three years at least, Fitzgibbon must work with a mixed A.L.P.-Communist team of federal officials in which Communists hold most of the other full-time positions, industrial militancy on the waterfront springs from more fundamental sources than the political affiliation of the W.W.F.'s leading official. Moreover, Fitzgibbon himself, a full-time official of the union

since 1954, has clearly shown his awareness of the industrial attitudes expected of him in a union with the W.W.F.'s traditions.⁵ And it is misleading to regard him, or to interpret the whole of the vote for him, as "anti-Communist" in the sense implied by V. C. Alford when he described Fitzgibbon, but only after the election, as having "an impeccable record against Communism".⁶ For while the W.W.F.'s present secretary once withdrew from the presidency of the Newcastle Trades Hall on the ground that its Executive was under undue Communist influence, he is also the man whom the National Civic Council attacked for "collaborating" with the Communists by acting as a W.W.F. delegate to the All Pacific and Asian Dockworkers' conference in Japan, five months before his election.⁷

Of greater immediate significance in union affairs were the series of elections deciding the three ordinary members of the Commonwealth Council of the Amalgamated Engineering Union, who comprise the union's effective ruling body: the Council's chairman has only a casting vote and the secretary has no vote in its decisions. During 1960 two of the three voting members were Communists. In May 1961 C. Shearer, a member of no party, who had failed in his appeal to the Industrial Court against the Council's invalidation of his earlier election,⁸ again defeated a Communist sitting member. In March, however, another Communist, C. M. Southwell, had been elected to the Council. But the Communist majority, which was thus maintained during 1961, was converted to a minority in February 1962 when the third member, C. G. Hennessy, was defeated by an A.L.P. member, J. McDowell, who obtained a comfortable majority on the primary votes in a three-cornered contest. The new non-Communist majority is unlikely to bring about any dramatic change in the A.E.U.'s industrial policies, but it is certain to shift this important union's position on "political" questions at the next A.C.T.U. Congress in 1963 and, before then, within the Metal Trades Federation.

In other union elections for major federal offices, apart from one or two shifts along the A.L.P. spectrum, notably in the Postal Workers' Union, the political *status quo* was substantially maintained. A.L.P. parliamentary leaders, taking the bit between their teeth, intervened publicly in two ballots other than the Waterside Workers' Federation's. E. G. Whitlam expressed support in October for the A.L.P. member who was later narrowly defeated by a Communist for the federal secretaryship of the Boilermakers' Society, the former Communist incumbent not standing for re-election, as in the W.W.F. case, though for a different reason; and A. A. Calwell in November sent an encouraging telegram to I. Short, whose "ticket" retained control of the Federated Ironworkers' Association. After the federal parliamentary elections, however, J. McDowell complained that he had received little open support from the A.L.P. in his successful campaign for a seat on the A.E.U.'s Commonwealth Council.

The relatively high level of unemployment, induced by the "credit squeeze" of November 1960, was a source of concern to most manual workers' unions and probably did something to dampen industrial militancy. There were two big stoppages, one of three weeks in January 1961 at the Newcastle works of Broken Hill Pty. Ltd., on a disciplinary issue,⁹ and an eight-weeks strike over bonuses at the Mount Isa mines, which ended in November when the Queensland government declared a state of emergency. Other major stoppages occurred among employees in N.S.W. government transport services in November 1960,¹⁰ in N.S.W. and Victorian power houses in February, June and September; and on the waterfront, there were two 24-hour strikes in May, one national and the other in the five major ports, and a two-week stoppage at Fremantle earlier in January. Nevertheless, the number of working days lost in this way during the first nine months of 1961 was 18 per cent less than for the

corresponding period of 1960. There was an even more substantial drop in both the number of stoppages and the number of workers directly involved.

The Queensland government strengthened its anti-strike legislation in April.¹¹ In May, six months after the Commonwealth Crimes Act had been amended in ways that many unionists regarded as increasing the sanctions against strike action, the federal parliament enacted long-service leave legislation covering the stevedoring industry and accompanied by new anti-strike penalties involving leave entitlements and attendance money. Man-hours lost through stoppages on the waterfront have declined dramatically since this legislation came into force on 6th June, but the extent to which this can be attributed to the new penalties is by no means clear.

There were two important developments in 1961 relating to the determination of basic wage rates. In April the Commonwealth Statistician announced that he would in future issue only the new Consumer Price Index, as an indicator of average price movements; he agreed, however, following protests from the A.C.T.U. and the N.S.W. Labor government, to supply them with the figures previously published in the old C Series Index, on which quarterly adjustments in the State basic wages of N.S.W., Queensland and Western Australia had customarily been based. Nevertheless, subsequent adjustments in the latter two States were assessed solely in terms of the Consumer Price Index, and in July the N.S.W. government announced that it would introduce a legislative amendment to the same effect, and has since done so. On the day of the government's announcement, the Commonwealth Arbitration Commission handed down its decision increasing the federal basic wage by 12/- and refusing restoration of the system of quarterly cost-of-living adjustments. The Commission, however, undertook to review the basic wage early each year in the light of changes in the Consumer Price Index, and to conduct full-scale reviews at longer intervals.¹² At its subsequent review in February 1962, the Commission concluded that no alteration in the basic wage was required.

In December 1960, the Arbitration Commission rejected an A.C.T.U.-sponsored claim for a standard annual leave provision of three weeks in federal awards, but twelve months later the unions drew comfort from a single Commissioner's decision awarding such a provision to Victorian hotel employees, and the A.C.T.U. has since filed a second general application. Although the union campaign for a 35-hour working week has been intensified since the Coal Industry Tribunal refused the mining unions' claim in November 1960, it is apparent that the unions are concentrating their hopes of immediate success on the annual leave issue rather than the hours issue.

Non-manual workers made a significant gain in June when the Arbitration Commission handed down an award which in effect established, for the first time, national minimum salary scales for professional engineers in both public and private employment.¹³ The principal white-collar central organization, the Australian Council of Salaries and Professional Associations, has continued to seek closer relations with the manual workers' unions through the A.C.T.U. The two bodies co-operated in major cases before the Arbitration Commission, as well as in a number of other matters, and their full executive bodies held a joint meeting on common problems in January 1961. There were also increasing signs of the development, at the official level, of an uncharacteristic political temper among non-manual associations. This was not confined to the A.C.S.P.A. group, and perhaps its most forceful public expression came from the High Council of Commonwealth Public Service Organizations.¹⁴ During the federal parliamentary elections in December, a Council affiliate, the Public

Service Administrative and Clerical Officers' Association, campaigned against the Minister for Labour and National Service, with the financial support of other associations.

One section of white-collar workers figured in moves toward closer organization, and arrangements are expected to be completed during 1962 for the formation of a national federation including at least five of the seven existing bank officers' associations, the likely exceptions being those covering Queensland and the Commonwealth territories. On the side of the manual workers, only finishing touches are required before effect is given to an amalgamation agreement between the Printing Industry Employees' Union and the Amalgamated Printing Trades Union, which have a combined membership of more than 45,000. In April a state union, covering hotel and related employees, amalgamated with the N.S.W. branch of the Federated Liquor and Allied Industries Employees' Union, increasing the membership of the federal body to well over 20,000. Closer organization proposals have been aired in other industries also, but, apart from the recent affiliation of the Western Australian Carpenters and Joiners' Union to the Building Workers' Industrial Union, do not seem to have moved much beyond this stage.

FOOTNOTES

1. On this point, and on events at Congress in general, see R. M. Martin, "The A.C.T.U. Congress of 1961", *J. of Industrial Relations*, 3/2, Oct. 1961, pp. 140-2.
2. *The Clerk* (Qd.), July-August 1961, p. 1.
3. See D. W. Rawson, "Recent Developments in Trade Unionism", *J. of Industrial Relations*, 2/2, Oct. 1960, p. 126.
4. See *Sydney Morning Herald* and *Daily Telegraph* (Sydney), 16 Nov. 1961.
5. E.g., see *S.M.H.*, 18 Nov. 1961; *D.T.* and *Daily Mirror* (Sydney), 19 Nov. 1961.
6. *D.T.*, 16 Nov. 1961.
7. *News-Weekly* (Melbourne), 28 June and 20 Sept. 1961.
8. See Rawson, *loc. cit.*
9. See Arbitrator, "The Steel Strike—January, 1961", *J. of Industrial Relations*, 3/1, April 1961, pp. 60-3.
10. See Lloyd Ross, "A Campaign for an Industry Allowance: Some Sociological Aspects", *ibid.*, pp. 64-7.
11. See E. I. Sykes, "The New Arbitration Act in Queensland", *ibid.*, 3/2, Oct. 1961, pp. 143-7.
12. See V. Watson, "Legislation and Decisions Affecting Industrial Relations", *ibid.*, p. 136-7.
13. See *ibid.*, pp. 137-9.
14. E.g., see *The Sun* (Sydney), 5 May 1961.