Trade Unions in Australia
Who runs them, who belongs - their politics, their power
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*Trade Unions in Australia* is Professor Martin's first full-length book although he has contributed numerous articles and papers to journals and symposia on trade unionism in Australia and other countries.
Ross M. Martin

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Penguin Books
To my mother
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## Abbreviations

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<tr>
<td>ACSPA</td>
<td>Australian Council of Salaried and Professional Associations</td>
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<td>ACTU</td>
<td>Australian Council of Trade Unions</td>
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<td>ALP</td>
<td>Australian Labor Party</td>
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<td>AMWU</td>
<td>Amalgamated Metal Workers’ Union</td>
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<td>APSF</td>
<td>Australian Public Service Federation</td>
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<td>Australian Teachers’ Federation</td>
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<td>AWU</td>
<td>Australian Workers’ Union</td>
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<td>CAGEO</td>
<td>Council of Australian Government Employee Organizations</td>
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<td>CPA</td>
<td>Communist Party of Australia</td>
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<td>CPA (M–L)</td>
<td>Communist Party of Australia (Marxist–Leninist)</td>
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<td>DLP</td>
<td>Democratic Labor Party</td>
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<td>NCC</td>
<td>National Civic Council</td>
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<td>OBU</td>
<td>One Big Union</td>
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<td>SPA</td>
<td>Socialist Party of Australia</td>
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<td>WWF</td>
<td>Waterside Workers’ Federation</td>
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Preface

This book is one product of a longstanding interest in trade unionism. In it I have tried to present an introductory survey of Australian trade unions which is straightforward without being simple-minded. The emphasis is contemporary – specifically, the early 1970s. The approach is descriptive and interpretative. There is little attempt to predict future developments, and none to prescribe future policy. I have avoided, so far as seemed reasonable, cluttering the text with examples and the pages with footnotes. This will not be to everyone’s taste, but it has kept the book crisper and, hopefully, more readable than it would otherwise have been.

The literature on the trade unions of Australia since the Second World War is mostly fragmentary and scattered. The only extended treatment is *Australian Trade Unions: Their Development, Structure and Horizons*, edited by P. W. D. Matthews and G. W. Ford, which was published in 1968 but is now out of print. D. W. Rawson’s *Handbook of Australian Trade Unions and Employees’ Associations* (second edition, 1973) is an invaluable source, as also is the *Labour Report* produced annually by the Australian Bureau of Statistics. Two journals, *Labour History* and the *Journal of Industrial Relations*, specialize in or around the field. The fullest published bibliography is in the second edition (1971) of *Australian Labour Relations: Readings*, edited by J. E. Isaac and G. W. Ford. The references to D. W. Rawson’s work in Chapters 2 and 3 relate to his *Handbook*; and the data from Ruth Johnston’s survey, cited in Chapter 4, were published in the June 1973 issue of *Westerly*.

I am grateful to Hugh Clegg and Lloyd Ross for their comments on a draft of the book; to Marilu Espacio and Anne Heape for their typing and retyping of it; to La Trobe University, the Social Sciences Research Council of Britain and, especially,
George Bain and Hugh Clegg for jointly providing me with the opportunity to complete writing it in the seclusion of the SSRC's Industrial Relations Research Unit at the University of Warwick. Above all, my thanks are owing to the many, many people both inside and outside the unions, but particularly inside them, who have in various ways over the last twenty years helped inform me about trade unionism. The responsibility for the way in which their information has been distilled and interpreted in this book is, of course, entirely mine. It is my hope that they will find the resulting picture familiar if, inevitably, not always quite how they would have painted it themselves.

R. M. M.
September 1974
Chapter I

Background

Trade unionism took root in Australia in the 1850s. Repressive legislation and economic depression had stifled most of the embryonic unions formed before then. Prosperity and a flood of new immigrants, brought by the gold discoveries of the fifties, helped the emergence of stable union organization among skilled town workers. Unskilled manual workers in the towns and in rural mining were soon affected and so, somewhat later, were those in the pastoral industries. In the case of whitecollar workers, stable organization dates from the 1880s and centred mainly on public servants and state school teachers.

By the turn of the century there were almost two hundred unions covering a little under 100,000 members, about 9 per cent of all Australian employees. Most unions were very small and confined to a single colony. The few that had an intercolonial structure by 1900 were almost invariably the outcome of amalgamations or federations of initially separate unions in different colonies. Looser and more widely based groupings were also common. A number of interunion associations sought to co-ordinate the activities of unions concerned with a particular industry. Broader in scope were the trades and labor councils, as they were usually known, which existed in each colonial capital and in some other towns; affiliation to them was open to all unions with a local membership, regardless of industry or occupation. A grander conception of co-ordinated action was reflected in the holding of the first Inter-Colonial Trade Union Congress in 1879. Seven more congresses were held before the century ended, but proposals for a permanent national body had come to nothing by 1900.

There were, however, highly significant developments in union political organization. A number of working class candidates, often with union endorsement, had been elected to
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colonial parliaments during the forty years up to 1890. Union leaders had become progressively more interested in direct parliamentary representation of the trade unions; but, for the most part, they still gave this tactic a relatively low priority. They were much more concerned with industrial activities, often relying on the strike to win concessions from employers. When they sought concessions from governments, they were accustomed to acting like any other political pressure group trying to secure favourable responses from middle-class politicians. Economic depression in the early nineties and major strike defeats, in which unsympathetic governments played a crucial part, radically altered this emphasis. The outcome by 1900 was the formation, in each colony except Tasmania and Western Australia, of a Labor party consisting of affiliated trade unions and electorate branches. There was, as yet, no national party organization, though it had initially been proposed to create the new party on an Australia-wide basis. But the separate Labor parties had already made encouraging electoral gains, and their parliamentarians had chalked up some notable policy concessions won through balance-of-power tactics in colonial legislatures.

Membership and Structure

The total membership of Australian trade unions increased fivefold in little more than a decade to pass the half-million mark in 1914. It passed one million in 1941, two million in 1963, and by the end of 1972 was a little over 2.5 million. The significance of this raw membership figure is more readily appreciated when it is set against the total number of employees. The proportion of Australian employees who were members of trade unions increased with remarkable rapidity between the turn of the century and the 1920s, rising from about 9 per cent to an initial peak of 47 per cent in 1927. There was a quick depression-induced decline to a lowpoint of 35 per cent in 1933, followed by a long upward swing which eventually reached an unmatched
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highpoint of 59 per cent in 1954.* Since then there has been a fairly steady decline to a trough of 50 per cent in 1969–70, followed by a sharp upswing to 53 per cent in 1972. In other words, the continuing growth in the number of trade union members over the last twenty years has failed to keep pace with the growth in the employed work force.

The changing character of the work force, itself a product of technological advance and the growth of service industries, is primarily responsible for this failure. What has happened is that manual workers, once numerically far ahead, have steadily lost ground to whitecollar workers. And, on the whole, whitecollar workers have tended to be harder to recruit into unions.

However, despite their recruiting problem, whitecollar unions in general have made huge strides in membership since the 1920s. Their growth rate, particularly since the Second World War, has been markedly faster than the general run of manual workers’ unions, and seems to be accelerating. Between 1964 and 1971 there was a remarkable increase in their share of the total union membership, from about 26 per cent to about 34 per cent; and they appear to be almost wholly responsible for the sudden upswing after 1970 in unionists as a percentage of all employees. The trend is likely to be a continuing one, if only because whitecollar unions have so much room for expansion (see Chapter 4). There is in this a stark contrast with a manual union such as the Waterside Workers’ Federation, not to mention others with less distinguished roles in Australian labour history. This union not only has little or no room for expansion in its present form, but its membership has been shrinking in recent years.

The number of separate trade unions has ranged from a little below 400 to something over 300 since the first world war, when

* The figures for 1927, 1933 and 1954 are much lower, and that for 1901 is much higher, than the official figures provided by the Australian Bureau of Statistics. They are from a series compiled by G. S. Bain and R. Price of the SSRC Industrial Relations Research Unit, University of Warwick, which is based on more comprehensive data than was the official series before 1969.
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the official annual tally was put on a more reliable basis than before. The trend, given some fluctuations, is unmistakably to the lower figure – less because unions die than because they either amalgamate or, in the case of state unions, are absorbed in interstate federations. A second associated trend has been a continuing increase in the number of unions organized on inter-state or federal lines. A third trend has been the rising concentration of union members in a few big unions. All these trends, along with much else, have been powerfully influenced by two early developments. One was the institution of the Commonwealth of Australia; the other was the creation of industrial tribunals with compulsory powers of arbitration.

Federalism

The federation of the Australian colonies in 1901 brought into being a national governmental structure. But the unity created in this way was the qualified unity of a federal system; and the powers of the new states, while more restricted than those of the old colonies, still included much of interest to trade union leaders. Federation thus presented the unions with two distinct levels of political and legal manoeuvre, where there had formerly been one. The implications for union structure were two-fold. On the one hand, there was the preservation of the roles of the unions’ main political agencies before federation, the trades and labor councils and the colonial (now state) Labor parties. On the other hand, there was the added incentive to union leaders to develop their own organization at the national level.

National organization, however, took time to develop. The federal parliamentary Labor party was formed promptly in 1901 (the day before the first federal parliament opened) in response to the pressing requirements of parliamentary strategy. This did not directly involve the trade unions. Where they were involved, as in the Labor party’s extra-parliamentary organization, matters moved more slowly. Although federal conferences of the party were convened from 1900 onwards, a smaller federal executive, meeting at shorter intervals, was not set up until 1915. The
federal secretaryship created at the same time was filled, except for a brief period in the 1960s, on a part-time basis by one of the party's state secretaries until 1973, when it became a full-time position.

The emergence of a stable, purely trade union body operating as the federal counterpart of the trades and labor councils was even slower. Interstate meetings of trade union leaders continued to echo their intercolonial predecessors' hopes for a permanent national union centre, but to no greater effect up to the first world war. During the war and early post-war years, the issue was complicated by the popularity of the 'One Big Union' (OBU) model involving the mass amalgamation of unions. Orthodox proposals for closer organization relied on the much looser principle of affiliation. Confusion was compounded by the presence of two competing OBU schemes - one derived from the revolutionary yearnings of the American-inspired Industrial Workers of the World, and the other reflecting the more pedestrian ambitions of union leaders with faith in the absorptive capacity of the Australian Workers' Union. Neither scheme proved viable. Before long most union leaders turned again to less purist models of closer organization. After two preliminary and partially successful experiments in the mid-twenties, the outcome was the formation in 1927 of the Australian (originally Australasian) Council of Trade Unions (ACTU).

Arbitration

Industrial arbitration tribunals were set up first in Western Australia (1900) and New South Wales (1901). The Commonwealth followed suit in 1904, and Queensland and South Australia in 1912. Victoria and Tasmania were content with less imposing and authoritative wages board systems.

From the trade union standpoint, arbitration systems are distinguished from wages board systems by one supremely important feature. In the case of arbitration, trade unions are explicitly recognized and the operation of the system is both formally and effectively dependent on their participation. This
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dependence is reflected in the fact that in all arbitration systems, but not in wages board systems, special provision is made for the registration of trade unions and, once registered, for their protection (see Chapter 2). Under compulsory arbitration, moreover, a union can force an employer to have the pay and working conditions of his employees determined by a tribunal. Arbitration thus ensures that a registered union, however weak industrially, will still be able to discharge in some measure the minimum union function of defending its members’ interests as employees, and will consequently have the capacity to attract members. In other words, arbitration directly promotes union formation and growth. Historically, its role in this respect has been of immense importance to Australian trade unionism. The statistics of unionism between the turn of the century and 1914, the period in which compulsory arbitration was introduced, provide one indication of this. In those few years the number of unions more than doubled, the total number of union members increased more than five-fold, and the proportion of employees who were unionists rose something like four times to a figure almost certainly unrivalled anywhere else in the world at that time.* Since then, arbitration has also played a critical part in the expansion of trade unionism among white-collar employees.

The federal arbitration system, on its own, has vitally influenced the structural development of trade unionism. For one thing, it has provided the chief impetus behind the persisting trend towards organization on an interstate basis, access to federal arbitration being available only to interstate unions. It also provided the ACTU, from the start, with the function of acting (as a plaintiff) in national test cases on major industrial issues, typified above all in the basic wage cases stemming from the famous ‘Harvester judgement’ of 1907. This was important because it gave the ACTU something of significance to do at a time when it could not adequately discharge other functions owing to shortcomings in its authority among the unions. The federal arbitration system, in short, probably helped the ACTU survive its difficult early years.

* The increase in the proportion of unionists is seven-fold if the official series is used instead of the Bain-Price series.
Finally, arbitration in general brought Australian federal and state governments into the area of union policy interests to an extent less common elsewhere. Arbitration involved governments* in the determination of precisely those issues, pay and working conditions, which form the heart of the unions' concerns. At the very least cabinet ministers could be thought capable of influencing arbitrators' decisions on such issues; at most it could be hoped that they might make the arbitrators' decisions for them. Correspondingly, the introduction of arbitration intensified trade union interest in government policy and in political action.

**Unions in Politics (1900–16)**

The electoral position of the Australian Labor Party (ALP) steadily strengthened from the turn of the century. By 1910, as a result partly of this and partly of the changing strategy of non-Labor groupings, most Labor politicians had abandoned their original balance-of-power tactics which had enabled them to support non-Labor minority governments, enter coalitions and occasionally form their own minority governments. They were now intent on outright control of government, and they were not long in gaining it.

1910 to 1915 were the years of Labor's triumph. Majority Labor governments were in power at the federal level and in five of the six states by the end of 1915. For many in the trade unions, however, the years of triumph were also years of disillusion. It was primarily a problem of great expectations. The rapidity of Labor's rise to parliamentary prominence, and the policy concessions it often gained while still a minority party, had fostered high hopes of what could be achieved once it held power in its own right. These hopes had been intensified by critical strike failures in the case of Victorian railwaymen (1903), Broken Hill metal miners (1908–9), New South Wales coal miners (1909) and Brisbane unionists in general (1912) – which, while less catastrophic than the big defeats of the 1890s, nevertheless echoed them by helping to turn many unionists towards political action.

* Subject to varying constitutional constraints outlined in Chapter 2.
as the key to the future. But in the process of gaining and retaining power, party leaders had felt obliged by electoral pressures to moderate union-sponsored policies. To a man, once in office, they made it plain that they were prepared to go neither as far nor as fast to satisfy union aspirations as many in the unions expected.

The outcome was a swelling tide of conflict within the party as the parliamentary leaders were subjected to increasing attack from within the unions. The climax came in 1916 with the dispute over military conscription which brought about the expulsion or resignation from the party of leading Labor politicians, and the fall of Labor governments in New South Wales and federally. One feature of the dispute was that the party's affiliated unions were united to an extent rarely evident before or since on a non-industrial issue. Partly because of this, union officials were able to enlarge their influence within the party. Many of them were thus provided with ample reason for rallying with fresh hope to the party banner, and not least those who spied the prospect of a parliamentary career. There were, on the other hand, many other unionists for whom the conscription episode provided final confirmation of the futility of orthodox political action.

Industrial Action (1917–29)

A spectacularly successful coal miners' strike at the end of 1916, and the later success of a number of smaller wartime stoppages, helped renew confidence in the strike as a means of advancing union interests. Some unionists found further support in the doctrine of revolutionary industrial action transmitted through the Industrial Workers of the World clubs, which dated from 1907 in Australia. The crushing defeat of the big New South Wales railways strike in September 1917 dampened but did not dispel hopes; and, in any case, provided martyrs.

Industrially, the immediate postwar years were particularly turbulent. They were also years when many unionists were looking to 'One Big Union' capable of welding unionists into a
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unified whole and exploiting the strike as the ultimate weapon. Although the OBU balloon collapsed by the mid-twenties, closer organization remained a major aim of union leaders. Many who had a hand in the eventual formation of the ACTU in 1927 were interested above all in the possibility of its functioning as a strike co-ordinator. Others were more concerned with its potential in arbitration proceedings or in dealing with federal governments. But most of the outside antagonism encountered by the ACTU in its early years was inspired by the belief that it was primarily an instrument of the more militant unions.

As it happened, many years were to pass before the ACTU was seriously involved in strike-management. Its immediate postnatal years provided no encouragement. Between 1928 and early 1930, the watersiders, the timber workers and the coal miners all suffered heavy industrial defeats which marked the end of the strike gains of the earlier twenties.

Even in the palmy days of the strike weapon, however, most union leaders did little more than flirt with the idea of withdrawing altogether from political involvement. This was true even of OBU militants. Disgusted with the Labor Party and over-impressed with strike action they might be, but this did not prevent numbers of them from playing an active part in the ALP or, from 1920, in the Communist Party of Australia (CPA) – and sometimes in both. For many others, with less extreme political and industrial convictions, there was no question of abandoning their links with the ALP. The leftward trend in the party's policies during this period, notably the rejection of the socialization objective in 1921, was largely attributable to union leaders who were at the same time deeply committed to industrial action.

There were a few bright patches for the unions in the ALP record during the twenties, including some notable policy gains from Labor governments in Queensland and New South Wales. Against this non-Labor governments, particularly from the federal level after 1924, had harried them with anti-strike legislation and threats of newer and more ingenious penalties; and in May 1929 a Labor government in Queensland lost a general election largely owing to unionists' antagonism to the
way it handled a railway strike. But worse, much worse, was to follow.

Depression and War (1930–45)

The federal Labor government elected in October 1929, the first since 1916, achieved a few legislative reforms of direct benefit to the unions, but for the most part was hamstrung by a hostile Senate. It was unable to prevent the federal Arbitration Court from cutting the basic wage by 10 per cent in January 1931. Five months later it accepted the so-called Premiers’ Plan entailing wage-reductions for government employees and cuts in social services expenditure. So did the three state Labor governments then in office. A gloomy episode for the unions was completed by the electoral defeat of the federal Labor government in December 1931 and the dismissal from office the following year of J. T. Lang, the one Labor premier who went back on the Premiers’ Plan.

Industrially, things were no better for the unions: the economic depression that began in 1929 had made sure of that. From the second half of 1930, the unemployment rate among union members did not fall below 20 per cent until 1935. Union memberships declined sharply; so did their funds. Recovery was slow before the outbreak of war in 1939. In these circumstances, the weakness of the strike as a bargaining weapon was plain. Strike figures fell drastically during the depression years, and were extraordinarily low for 1933. By 1939 most unions were still in a weak industrial position, although the coal miners at least were able to make fairly substantial strike gains during the later thirties.

The Miners' Federation, as it happened, was also the first union to fall under Communist control (in 1934) at the federal level. Before this, the Communists' successes in union elections had been limited to local and state positions. By the time the Second World War ended, they are thought to have dominated the leadership of unions covering close to a quarter of all unionists. Among the largest unions only the giant Australian
Workers' Union escaped them altogether; but they had an influential voice in most unions of industrial significance, and particularly those in the key mining, metal and transport industries. By the same token, Communist union officials came to play an increasingly important role in the ACTU and in the metropolitan labor councils. Indirectly (but directly in the case of those who were secret CPA members), they were also able in some measure to influence the affairs of the ALP through the affiliation of their unions. For a time, uncharacteristically, this considerable power was employed to restrain industrial unrest.

The outbreak of war in 1939 saw the threat of unemployment begin to lift as continuity of production became the obsession of governments and employers. The industrial position of the unions was dramatically enhanced. There was initially some readiness in the unions to take advantage of the situation. The CPA expressed its early opposition to the war by actively encouraging strikes. Then it somersaulted in mid-1941, when Germany invaded the Soviet Union, and from that time on did its utmost to prevent wartime strikes. The formation of the Curtin Labor government and Japan's entry into the war later the same year helped strengthen support for the war effort among unionists at large. There was, too, much less doubt about the firmness of their support than had been the case during the First World War. This was shown not merely by the strike figures but by the extent to which union leaders agreed to suspend traditional industrial practices and safeguards in order to facilitate war production. As well, they accepted controls over the direction and use of labour, not to mention strike penalties which were more far-reaching than anything Australia has known before or since.

Communists and Anti-Communists (1946-57)

There was a distinct change of mood after the war ended. Unionists' discontent with wage/price disparities, shortages, rationing and other restrictions was no longer contained by the
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pressures of wartime. The attraction of strike action was enhanced by the fact that, despite early fears, full employment was maintained in the post-war years. In addition, there was yet another switch in Communist party policy, now aggressively favouring industrial strife as part of a larger Cold War strategy. This combination of factors produced a series of strikes involving Communist-led unions and culminating in the great coal strike of 1949.

The coal strike is a turning point in the story of Australian trade unionism. It was broken by the Chifley Labor government which brought down emergency legislation to prevent financial help reaching the strikers, imprisoned union officials for breaching the legislation, and used troops to work open-cut coal mines. The strike was opposed by the ACTU and other major union organizations which gave tacit approval to the government’s drastic strike-breaking measures.

The coal strike was the climax to what the Communists themselves have labelled their ‘adventurist’ period. By the time it was over their strike policies had dissipated much of the support they had acquired among unionists during the war. Even earlier, however, there had emerged a counter-organization dedicated to the destruction of Communist influence in the unions. Its leaders were distinguished by the kind of toughness and sense of purpose found among the Communists themselves. They were to add a new dimension to Australian trade unionism by giving it an extreme right wing with a relatively coherent ideological position centred on anti-Communism.

The public face of this counter-organization consisted of the so-called Industrial Groups, which were formally authorized as extensions of the ALP within the unions by the state parties of New South Wales, Victoria, Queensland and South Australia at various times between 1945 and 1948. But both the inspiration and the organizational roots of the Groups lay outside the ALP. They stretched back, in fact, to the foundation in 1942 of the Catholic Social Studies Movement, better known simply as ‘The Movement’, an association of Catholic laymen with an interest in combatting Communist influence in the unions. The Movement’s strategy was to organize within particular unions for the
purpose of deposing Communist officials. It had been endorsed by the Catholic hierarchy in 1945, the year the Labor party’s New South Wales branch authorized the formation of the first ALP Industrial Groups in which Movement-directed members inevitably came to play a large if not always dominating part.

The Industrial Groups initially made slow progress. However, in union elections conducted between 1950 and 1953 they unseated a number of prominent Communist officials, and many lesser ones, and secured control of a number of unions. They were helped in this both by the Chifley government’s legislation of 1949 dealing with union elections, and by the ‘adventurism’ of some of their Communist opponents. But in the process they alienated many non-Communist union leaders who, while initially sympathetic, had come to feel threatened by the rising influence of Industrial Group leaders within the ALP, their advocacy of political and industrial policies more consistently conservative than those traditional to Labor, and by the extension of the Groups into unions controlled by non-Communists. The axe fell late in 1954 when the Movement was denounced by the federal leader of the ALP, H. V. Evatt, and the ALP federal executive withdrew the party’s endorsement of the Industrial Groups.

Once more the ALP split. For the most part, however, the split in the party was not duplicated in the main interunion bodies on the industrial side, the ACTU and the metropolitan labor councils. ‘Groupers’ and Communists were both represented in these bodies, but pragmatists from the moderate centre tended to hold the balance of power and usually preferred to contain rather than decapitate either warring extreme. At the level of individual unions, fatalities were more frequent for lack of a centre group capable of holding the extremes apart.

Not only did the trade unions during 1954–7 stay substantially in one piece, so far as interunion organization is concerned, but there were significant additions to the structure of unionism at this level. The Council of Professional Associations was formed in 1955, bringing together a number of professional whitecollar unions. The following year saw the creation of the much larger and less exclusive Australian Council of Salaried and Professional
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Associations (ACSPA). For the first time the whitecollar unions had thrown up parallel organizations to the ACTU.

In the field of industrial policy, too, some momentous developments occurred during the period between the end of the war and 1957. On the debit side of the trade union ledger there was, in particular, the federal Arbitration Court's decision in 1953 to abandon the thirty-year-old practice of automatically adjusting the basic wage in line with movements in the quarterly cost-of-living index. There was also the ominous reappearance at the federal level, from 1950, of fines imposed on unions for striking.

On the credit side, however, there were two policy breakthroughs with immense industrial and social implications: the 40-hour working week and long-service leave. The introduction of these policies on a general scale owed a great deal to Labor governments. The federal Arbitration Court, when it adopted the 40-hour week as a standard in 1947, openly acknowledged the critical influence on its decision both of 40-hour legislation enacted by one state Labor government and promised by another, and of the strong support expressed for the unions' claim by the federal and all four state Labor governments then in office. Long-service leave, applicable to workers under both state and federal awards, was introduced during the 1950s wholly by way of state legislation which, in five cases, was the work of Labor governments; in the sixth, a non-Labor government in South Australia grudgingly followed suit.

In these and other ways Labor governments helped to promote trade union fortunes from the end of the war. The ALP split, however, played a major part in shrivelling this source of support. In 1955 the last Labor government to hold office in Victoria collapsed as a direct outcome of the split. In 1957 the last Queensland Labor government disintegrated largely because of pressures generated by the split. In 1957, also, a segment of the ALP's former 'Grouper' element, including non-Catholics as well as Catholics, established the Democratic Labor Party (DLP). Behind the DLP, from the end of the same year, stood the National Civic Council (NCC) which had risen phoenix-like in the ashes of the Movement, disbanded on Vatican in-
structions. Both organizations were committed to a continuing anti-Communist campaign in the unions and elsewhere, and both regarded it as crucial to this campaign that the ALP should be denied government office. In the event, the DLP was able for some time to impose a severe electoral handicap on the ALP, especially in Victoria and federally.

Militants, Penalties and Politics (1958–73)

The fifteen years to December 1972, when the ALP won its first federal election in more than a quarter of a century, were the leanest the party has experienced. Non-Labor governments held office for the whole of that time at the federal level and in both Victoria and Queensland, for almost as long in Western Australia, and for about half the period in New South Wales and South Australia. Only in Tasmania was Labor dominant for most of these years. Even then, there was a period during 1969–70 when, for the only time since 1910, not a single Labor government held office anywhere in Australia.

Deprived, for the most part, of support from this quarter, the unions had to rely for policy gains primarily on arbitration and, where available, the strike. One of the distinctive features of the period was the widening accessibility of the strike, reflected above all in the use made of some form of strike action by white-collar workers such as bank officials, insurance clerks, teachers, professional engineers and nurses. Whitecollar strikes as such were not new; there are cases at least as far back as the 1880s. What was new was the variety of whitecollar groups which had recourse to the strike either for the first time, or on a scale or with a frequency that was quite unprecedented. This development was influenced by the way in which the manual unions had overhauled traditional whitecollar differentials in working conditions, an achievement which many whitecollar unionists attributed to the fact that manual unions were less strike-shy. Reinforcing that conclusion were the dramatic strike successes of the airline pilots dating from the 1950s.

Associated with this developing militancy was an increasing readiness on the part of whitecollar union leaders to take up
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public positions on broad industrial issues and also on some non-industrial issues. There was, for example, a notable progress­ion in key cases from early statements opposing nuclear testing to participation in the ACTU’s 1973 ban on transactions with France for this reason. There were also signs of a decreasing diffidence about partisan political involvement. Symptomatic of the new wind blowing through the whitecollar unions was a growing eagerness to link up with the manual unions. Some, of course, had been associated with predominantly manual inter­union bodies for many years; but the number directly affiliated with the ACTU and/or major trades and labor councils rose significantly during the sixties. Furthermore, after initiating some informal dealings, ACSPA and the Council of Australian Government Employee Organizations (then known as the High Council of Commonwealth Public Service Organizations) entered into a lōose but formal consultative arrangement with the ACTU in 1962. By 1974 the arrangement had been widened to include the Australian Public Service Federation, comprising the main unions of state public servants, and it had been agreed that regular joint meetings should be held at quarterly intervals. In addition, ACSPA had entered into discussions with the ACTU on the question of amalgamation; and both ACSPA and the CAGEO had unsuccessfully sought admission to the Commonwealth Labor Advisory Council, the consultative link between the ACTU and the ALP.

Despite the desire of some to be less dependent on arbitration, whitecollar union leaders had reason to be grateful to the federal Arbitration Commission during the period. It gave whitecollar organization a fillip with its highly favourable application of the ‘work value’ principle in the professional engineers’ pay decision of 1961. It provided further stimulus with the precedent it set twelve years later when it granted an unusually strong preference to unionists clause in an award covering non-manual employees in the oil industry (see Chapter 4).

From the viewpoint of the trade unions in general, however, the Arbitration Commission performed less creditably on some other major issues. In the face of strong union opposition it entered the field of long-service leave in 1964. Three years later
it ignored even more vigorous protests from the unions when it abandoned the basic wage/margins distinction in favour of the ‘total wage’ concept. It fudged the issue of equal pay for women until a federal Labor government was available to support the unions’ case at the end of 1972. And it repeatedly declined to take account of the prosperity of a specific firm or industry in setting pay rates.

On the other hand, the Arbitration Commission eventually came down emphatically in favour of the union view that the commission’s function was to settle disputes rather than to manage an anti-inflationary incomes policy. The point was clinched following the metal trades work value decision of December 1967, in which the union claim was granted in full but with the crucial proviso that employers could absorb the increases in existing ‘over-award’ payments negotiated outside the commission. The proviso was withdrawn two months later by a full bench of the commission in response to a storm of strikes against this attempt to take hold of the ‘wage-drift’ problem.

Despite the Arbitration Commission’s acceptance of their point in this case, the unions involved in the strike campaign were heavily fined for their action by the federal Industrial Court. This reflected the uncommonly frequent and widespread incidence of strike fines during 1960–9. Fines totalling $300,000, plus legal costs on a comparable scale, were imposed on federal unions; individual fines on an extensive scale were imposed, under special federal legislation, on seamen, postal and water-side workers; and the penal provisions available in the legislation of some states were also applied more extensively than before. The matter came to a head in May 1969 when the Industrial Court, seeking to recover outstanding strike fines, imprisoned a union secretary for contempt of court after he had refused to produce his union’s books. The immediate result was the massive ‘O’Shea strike’, a bushfire of stoppages which flared throughout the country during the four days that elapsed before a Sydney lottery winner paid the union’s fines. Afterwards, in contrast with the metal trades work value dispute a year before, no attempt whatever was made to penalize the
unions involved. The moratorium on strike penalties, tacitly declared in this way, was substantially maintained thereafter. The penal provisions remained in the legislation but they no longer menaced the unions (see Chapter 2). As a result, union leaders involved in strikes after mid-1969 for the most part had one less hazard to worry about – and, in some cases, one less argument to use against restless activists.

The readiness of tribunals and employers to use penalties may well have played some part in ensuring that while the number of strikes tended to increase between 1950 and 1969, the duration of strikes tended to fall. Penalties seem to have failed to prevent strikes, but they may have helped to shorten them. There were signs that lengthy strikes were becoming more common during the early seventies. After 1969, too, both private and public employers depended much less heavily on arbitration for the settlement of pay claims; and, significantly, a leading role in this trend towards negotiated wage and salary agreements was played by the metal trades employers, formerly as insistent as any on arbitration and readier than most to call on strike penalties.

C. L. O’Shea, the Victorian union official whose imprisonment precipitated the ‘high noon’ of strike penalties, was at the time a vice-chairman of the Communist Party of Australia (Marxist-Leninist). The CPA (M-L), a Peking-oriented product of the Soviet-China split, was formed in 1964 as a breakaway from the CPA. From the start its membership was relatively small and it has been confined largely to Victoria, where it has the allegiance of a number of union officials. Its union members have been eager to establish a reputation for aggressive militancy.

A second CPA offshoot, the Socialist Party of Australia (SPA), is much more strongly represented among union officials. The Moscow-oriented SPA, which broke away from the CPA ostensibly as a result of disagreement about the Soviet invasion of Czechoslovakia, was formed in 1971 and took with it most of the older and well-established Communist union officials. Its total membership is larger than that of the CPA (M-L) but substantially smaller than the CPA’s, which itself can claim not
much over two thousand. On the other hand, the SPA appears to have retained the strongest support in the unions. The CPA, although the oldest, has emerged as the trendiest in policy terms. It manages to combine this with some old-fashioned industrial 'adventurism' which contrasts with the more staid approach of SPA union leaders and comes closer to the style of their CPA (M-L) counterparts.

This kind of competitive situation on the left wing of the trade unions is not new. Trotskyite unionists, of one brand or another, have played the same game for many years and, encouraged by a recent resurgence in their support, are continuing to do so. The main difference, since the CPA began to break up, is that the competition has become less lop-sided. Nevertheless, despite the splits and despite fierce struggles between ex-comrades for control of particular unions, Communist union officials were for a long time able to sustain a united front on major issues arising within the framework of interunion bodies such as the ACTU. But the monolith finally cracked at the ACTU congress of 1973 (see Chapter 8).

Up to 1973 the various Communist parties combined had failed to make up the losses inflicted on the old CPA by the time of the ALP split in the mid-fifties. The Communists had speedily regained some ground once the ALP withdrew its official blessing from the Industrial Groups. In this they were also helped by individual ALP members willing to figure on joint how-to-vote cards in union elections. Conditions were particularly favourable in Victoria owing to the tolerant attitude of the state ALP branch towards these so-called 'unity tickets', which were totally banned by the federal ALP in 1958. The New South Wales branch expelled members appearing on unity tickets from 1955; but it was another six years before the Victorian branch was compelled to take similar action, which even then was and remained limited and partial in comparison. In the same year, 1961, the federal ALP executive went so far as to declare general support for any ALP member contesting a union election against a Communist. Three months later, following the death of the doyen of Communist union leaders (the widely-respected 'Big Jim' Healy who even gained an almost laudatory
obituary from the NCC's journal), the Communists suffered a considerable reverse when they lost the federal secretaryship of the Waterside Workers' Federation to an ALP man. Further losses in other unions followed, but there were some recoveries. Since the mid-sixties, broadly speaking, the position of the Communists (CPA, CPA (M-L) and SPA) has remained fairly stable in this respect.

At the level of interunion organization, the Communists lost their influence in the ruling circles of the Victorian Trades Hall Council when the faction with which they were associated was defeated in 1963–4; not until ten years later were there signs of a recovery. They also lost the secretaryship of the Queensland Trades and Labor Council in 1969 when the Communist incumbent died and was replaced by an ALP man. In the case of the ACTU, the trend has been somewhat similar to that evident among the unions at large. The Communist resurgence after the ALP split took four CPA members on to the ACTU's executive in 1957, a full quarter of the executive's membership at that time. In 1959 this was reduced to three and in 1965 to one, which they have since retained. In addition, the anti-Communist element in the ACTU has been strengthened since the mid-sixties by some new affiliations – in particular that of the big Australian Workers' Union which ended a forty-year boycott of the ACTU in 1967.

The containment of the Communists has been matched, at the other end of the scale, by the containment of the extreme right wing centred on union members associated with the DLP/NCC grouping. Its representation among union officials since the mid-sixties has remained significant, if numerically much smaller than that of the Communists. Its representation on the ACTU's executive has been held at one since 1967.

The two political extremes provided much of the sound and fury accompanying ACTU deliberations during the sixties and early seventies. Neither, however, was able to play a dominating role in the ACTU's affairs. Nor was there any great change in this respect after 1969 when R. J. Hawke was elected to the ACTU presidency on the retirement of A. E. Monk, although the source of each president's support was significantly different.
Mr Monk had depended primarily on an alliance ranging from the centre of the ACTU’s political spectrum to the extreme right; Mr Hawke relied chiefly on a coalition extending from the centre to the extreme left. But neither was a prisoner of the extremists. For both men, the keystone of their support lay further towards the centre; and when it came to the crunch, it was the moderates who made the running (see Chapter 8). This is not to deny that the change of presidents was accompanied by a striking change in the style of the president. The point is that the difference in style was an outcome largely of personality rather than political factors.

Mr Monk, who had been either president or secretary of the ACTU for thirty-five years up to his retirement, was a trade union official all his working life. His interests and ambitions lay wholly in the industrial side of the labour movement, and his priorities were determined accordingly. He was cautious, phlegmatic, somewhat retiring in manner, and a poor public speaker. He was also a most exceptional behind-the-scenes negotiator, with a flair for sensing and formulating acceptable lines of compromise, and for knowing when to stand firm — as both the extreme left and the extreme right in the ACTU have cause to remember. His remarkable but unobtrusive political talent is a major part of the explanation of both the upsurge in the ACTU’s authority from the 1940s and the way the ACTU stayed intact through the ALP split of the 1950s.

Mr Hawke’s experience, temperament, talent and ambitions were different, as became evident from changes in the ACTU’s stance after his election. There was the new emphasis on publicity and on accessibility to the media. There was the closer and more open identification of the ACTU with the ALP, culminating in Mr Hawke’s accession to the party’s federal presidency in 1973. There was the initial readiness to support strikes and militant activity in general much more freely than in the past, although this phase had ended by the close of 1971 when the settlement of strikes began to be stressed. There was the new, and publicly expressed, eagerness for closer ties with whitecollar interunion bodies. And there was the departure from traditional union concerns with the ACTU’s ventures into retail trading,
tourism, insurance and housing schemes (see Chapter 8). These ventures, with their emphasis on consumer-protection, were in tune with the interest in 'quality of life' and environmental issues which emerged in some union quarters during the early seventies. However, the extent to which either would 'take on' was still an open question at the end of 1973.
Chapter 2

Legal Framework

For most of the twentieth century Australian trade unions have been distinguished from their counterparts in other political democracies, apart from New Zealand, by the extent to which governments have sought to regulate their doings. The fruit of these efforts is a comprehensive and detailed body of law relating both to the unions' internal affairs and to their external activities including, above all, their dealings with employers. The tribunals administering this body of law directly affect in some measure the working conditions of nine out of every ten employees, either through the tribunals' own awards or through agreements which they have accepted in some form. The pattern of industrial regulation is complicated by the federal system of government, for federalism means that no single government has complete constitutional authority in relation to union activities.

Limited Legislative Powers

The division of law-making powers between federal and state governments is broadly determined by the scope of the federal government's powers as set out in the Australian Constitution, the residual powers going to the states. As far as trade union activities are concerned, there are a number of constitutional provisions authorising federal intervention in specific instances — for example, in special circumstances (under the defence power), in special places (federal territories) and in special industries or occupations (under powers relating to federal government employees and to interstate and overseas trade). Special cases apart, however, the federal government's general industrial power is embodied in a provision empowering laws to be made
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in regard to 'conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one state' (section 51(35)).

These words, as interpreted by the High Court, provide a general industrial power that is limited in a number of ways, as we shall see. But the primary limitation they impose is that the federal government may legislate in the trade union area only in order to provide means of 'conciliation and arbitration'. It can set up tribunals and equip them to conciliate or arbitrate industrial disputes, but it cannot go beyond this to intervene on its own account in order to determine issues giving rise to disputes. It cannot, for example, pass legislation specifying such things as wage rates or working hours, nor can it compel tribunals it has created to decide specific issues in a particular way.

State governments, in contrast, are not subject to this constitutional limitation. They are fully competent to make laws laying down particular conditions of employment. Nor is there any doubt about their power to determine, if they wish, specific decisions of any industrial tribunals they create. All states, as we have seen, have in fact set up their own tribunals despite their ability to act in the trade union area without doing so.

Conciliation and Arbitration Tribunals

Both conciliation and arbitration involve the intervention in a dispute of a body or person independent of the parties to the dispute. The difference between the two processes lies in the function of the intervenor. The function of a conciliator is to help the parties reach an agreement settling the dispute; but, in the end, the agreement is strictly the parties' responsibility and not his. An arbitrator, on the other hand, has the function of settling a dispute by his own decision or award; the agreement or disagreement of the parties is technically irrelevant, the arbitrator alone being formally responsible for the settlement.

The tribunals providing industrial conciliation and arbitration facilities in one form or another are many and diverse. The more important of them may be briefly described. There are two key
Legal Framework

bodies at the federal level. The members of the Conciliation and Arbitration Commission, as its name indicates, act as conciliators and arbitrators; and thus, in the latter capacity, formulate standard conditions of employment when they make an award settling an industrial dispute. The Industrial Court, in contrast, is a judicial body whose members have the function of interpreting and enforcing standards laid down by the commission. Much the same commission/court structure is found in the state systems of Queensland, South Australia and Western Australia; but in New South Wales a single body, the Industrial Commission, carries out the functions of both federal tribunals. These are the four so-called ‘court states’. In the two ‘wages board states’ of Victoria and Tasmania, the commission-function is vested in a series of boards subject, in Victoria alone, to review by an Industrial Appeals Court; and the court-function is handled by ordinary courts subject again, in Victoria, to the Industrial Appeals Court.

In the case of all these tribunals, generally speaking, the emphasis tends to fall on arbitration rather than conciliation, especially when it comes to the hard issues on which unions and employers are least willing to compromise. Arbitration dominates the scene despite the importance of conciliation on particular occasions. Basic to the arbitration function, of course, is the power to make rules specifying pay and working conditions. Such rules are set out in the awards of commission-type tribunals or in the ‘determinations’ of wages boards (which are not arbitral bodies in conception but operate as such in practice). Awards and determinations have the force of law; that is, they are legally enforceable against employers and employees subject to them.

Many Australian awards and determinations are not in fact the outcome of an arbitrator’s decision, but of a prior agreement between unions and employers who have asked an arbitrator to convert their agreement into an award or determination. This is commonly known as a ‘consent’ award. Even in the case of awards which are actually, as well as technically, the outcome of an arbitral decision, usually most of their clauses have been agreed on, leaving the arbitrator to decide only one or two disputed issues.
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Limitations on Federal and State Tribunals

The wording of section 51(35) of the Australian Constitution, quoted above, operates to limit not only the law-making power of the federal government in the trade union field but also the award-making ability of the federal Arbitration Commission. Two parts of the section are particularly important. One is: 'industrial disputes'. The other is: 'extending beyond the limits of any one state'. The second is commonly known as the interstate requirement. Its effect is obvious enough. It empowers the Arbitration Commission to make an award only in circumstances involving employers and employees in more than one state.

The reference to 'industrial disputes', however, is more complicated in its effect. In the first place, it means that the commission's power to arbitrate is confined to issues which are the subject of a dispute. This requirement, though still limiting, is not as restrictive as it once was when it was thought that there had to be some form of direct action, such as a strike, before a dispute could exist. Nowadays it is accepted that a dispute exists if one party (union or employer) makes a demand which is refused or ignored by the other. A second and more stringent limitation, flowing from 'industrial disputes', is that the commission cannot make an award a 'common rule' applicable to all employers and employees in an industry, occupation or locality irrespective of whether they were represented in the award-making proceedings. To put it another way, a federal award can be legally binding only on those who are direct parties to the dispute on which the award is based. Thirdly, the industrial disputes reference means that the range of decisions open to the commission, when it makes or amends an award, is limited by the claims of the parties to the dispute on which the award is founded. These claims set the 'ambit' of the dispute and of the award. The ambit principle means, for example, that throughout the life of an award the commission cannot grant pay rates or working conditions better than those demanded by the union or worse than those offered by the employer at the time of the original dispute; and if these limits are to be exceeded, the costly and time-consuming process of creating a new award has to be
set in train. The ambit principle also means that a federal award cannot be amended to deal with a matter not mentioned in the original dispute – again, a new award is required.

State industrial tribunals are much freer. Their ability to make an award does not depend on the prior existence of a dispute. Accordingly, there is no constitutional bar to their converting awards into common rules; nor are they limited in their decisions by the principle of the ambit. They are, however, subject to two major restrictions. First, they cannot handle interstate disputes as such, their awards binding employers and employees only within the state in which they operate. Secondly, in the event of conflict between a federal award and either a state award or state parliamentary legislation, the federal award prevails and is effective to the extent of the inconsistency – a consequence of section 109 of the Australian Constitution and the High Court's ruling that a federal award has the same force and effect as federal parliamentary legislation.

The constitutional supremacy of federal awards means that once the federal Arbitration Commission has been brought into a particular industrial area, and has made an award, it is extremely unlikely that the area will revert to a state tribunal. In other words, the movement between state and federal jurisdictions has been almost wholly one-way. This is one of the reasons why the federal tribunals have acquired the largest single coverage, taking in four out of every ten Australian employees. On the other hand, when lumped together, state tribunals still cover a total of close to five out of ten employees; and over the last twenty years they have gained ground in this respect. As might be expected, the distribution of employees between federal and state coverage varies from state to state. Thus in terms of proportions covered state tribunals are dominant in three states, overwhelmingly so in Queensland and Western Australia, and decisively in New South Wales. In the other three states, federal awards cover a proportion of employees far greater than that under state awards and determinations in the case of Victoria and South Australia, and marginally so in the case of Tasmania.

The importance of the federal arbitration system is reflected as well in two other facts. In the first place, federal awards cut
the widest swathe through a number of the occupations and industries which are most significant both economically and from an industrial relations standpoint. In the second place, the federal Arbitration Commission often plays a pace-setting role by establishing standards which are subsequently adopted by state tribunals – a ‘flow-on’ process which has been particularly evident in the case of pay issues. At the same time, some state tribunals have proved less ready than others to adopt federal decisions. On a number of issues state tribunals themselves, either on their own initiative or in compliance with a legislative direction from a state government, have introduced innovations which have later been taken up by the federal tribunal. The traffic in this respect is thus far from being entirely one-way, a point of great importance for union strategists (see Chapter 7).

Trade Union Registration

A trade union’s access to an industrial tribunal depends on prior registration under arbitration legislation in all cases except the Victorian and Tasmanian wages board systems. The pattern of union registrations is another indicator of the stature of the federal arbitration system. A recent survey by D. W. Rawson disclosed that the federal Conciliation and Arbitration Act covered more than half of a total of 276 unions registered under Australian arbitration legislation. More importantly, these federally registered unions accounted for well over 80 per cent of the country’s total union membership. On the other hand, a substantial minority of this membership did not work under federal but under state awards, which were available because a majority of these federal unions also had state branches registered under the arbitration measures of one or more states.

One outcome of this kind of double registration is that the state branches of federal unions commonly have some of their members working under federal awards and others under state awards. Another outcome, the product of a 1969 court judgement, is that many state-registered branches are legally much more independent of their federal office than was once thought to
be the case: this has become important in the context of factional conflict within some unions (see Chapter 5).

Of the 131 separate unions shown in Rawson’s survey to be registered under state arbitration legislation alone, two were federal unions with branches registered in two and three states, respectively. The remainder were single-state unions, although some of them have more or less loose organizational links with their occupational counterparts in other states. Some, such as those organizing school teachers and firefighters, are intrinsically ineligible for federal registration owing to the way in which the High Court has interpreted the constitutional term ‘industrial’.

Trade unions may also register outside arbitration legislation under the Trade Union Acts of four states, but not at the federal level or in Queensland or South Australia. There is in general little to be gained from doing so, except in New South Wales where such registration is a prerequisite of registration under the state Industrial Arbitration Act. Elsewhere, only fifteen unions are registered under a state Trade Union Act alone – even the number of completely unregistered unions, thirty, is greater. Registration under arbitration legislation, on the other hand, yields advantages which are substantial and highly prized by union leaders. Four are especially notable. The first, of course, is the access to an industrial tribunal which such registration confers on a union. Secondly, registration usually carries with it the gift of incorporation which allows the registered union greater freedom of legal action than it would otherwise have in handling business matters. Thirdly, only unions registered under arbitration legislation are legally competent to sue their members in the ordinary courts for the recovery of arrears of membership subscriptions, fines and levies. Finally, such registration is not automatically granted; and, in practice, this has meant that unions already registered are substantially protected against the registration and, effectively, the emergence of new competing unions.

Legal Control of Union Affairs

The advantages of registration under arbitration legislation are counterbalanced by legislative constraints relating to the internal
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management of unions. These constraints are concerned primarily with the content and application of union rules. They have been developed furthest in the federal Conciliation and Arbitration Act although, for the most part, the four state arbitration measures are not far behind.

The rules of registered unions, in the first place, must deal in specified ways with certain matters, including admissions to membership, resignations and the methods of electing union officials (the secret ballot is mandatory and provision must be made for absent voting). Secondly, the federal Industrial Court may alter or cancel altogether any union rule which it considers 'unreasonable' or 'oppressive' to members. In other words, the court has a very broad power to determine the content of rules. Thirdly, the court is also empowered to interpret a union rule (declaring its correct meaning in a specific situation) and to direct the union’s officials, or anyone else, to comply with the rule as interpreted. This means, above all, that the court is able to enforce the rules of a union against its officials who otherwise control the application of those rules.

In addition to these provisions relating to union rules in general, special attention is paid to union elections. The federal Industrial Court is expressly authorised to inquire into any election in which irregularities are alleged to have occurred. If it finds substantial irregularities, it may either change the result or order a new election to be conducted – and in doing so, provide any safeguards it thinks necessary to ensure fairness, including the appointment of a government official to act as returning officer. Apart from this, either a union’s executive committee or a specified number of rank and file members may, on request, have an election conducted by a government official instead of a union-appointed returning officer: this is what is commonly known as a 'court-controlled ballot'.

The Law and Strikes

Most strikes that occur in Australia are, strictly speaking, illegal. This is the combined effect of an outwardly imposing body of federal and state legislation expressly concerned with
the use unions make of the strike weapon. Much of this legisla-
tion is of an emergency character, and prohibits strikes in a wide
range of defined 'essential' industries. State, but not federal,
arbitration legislation also incorporates strike prohibitions.
Strikes are forbidden totally and without qualification by the
Western Australian arbitration measure. Under those of New
South Wales, Queensland and South Australia, some strikes may
be legal if certain conditions are complied with (including a
fourteen-day 'cooling-off' period in New South Wales and
South Australia, and a secret strike ballot in Queensland); but
in practice these conditions are almost never met, and virtually
all strikes in each state are technically illegal. Tasmanian legisla-
tion, which says nothing about essential services, bans only
strikes about issues already dealt with in a wages board deter-
mination. Victorian legislation on the subject is confined to
essential services.

Although the federal Conciliation and Arbitration Act con-
tains no express prohibition of strikes, it was the major source
of the anti-strike penalties imposed during the 1950s and 1960s.
The basis of these federal penalties, which the Whitlam govern-
ment was committed to abolish, was a 'bans clause' prohibiting
any form of strike action on the part of union members covered
by an award in which the Arbitration Commission had inserted
such clause. The procedures leading to the imposition of a fine
on the union or unions concerned, in the event of the clause
being breached, were in the hands of the Industrial Court. State
arbitration measures provide for similar fines on unions as such.
Other types of strike penalties are also available under both
federal and state legislation, and have been used at various
times. They include fines on individual officials and rank and
file unionists, imprisonment, cancellation of a union's arbitration
registration, denial of a pay rise granted to others in the same
occupation, and deprivation of long-service leave entitlements or
other conditions. In addition, trade unions outside Queensland
have for many years been legally vulnerable to civil actions for
damages arising from a strike; and from early 1974 Queensland
unions have been similarly vulnerable in the case of certain types
of strikes.
Since 1969, however, this formidable battery of strike prohibitions and penalties has meant little in practice. Strikers and their unions went almost totally untouched by legal sanctions during the early 1970s. But the recent interest shown by some employers in civil actions for damages, coupled with the federal deregistration in mid-1974 of the Building and Construction Workers' Federation for its Sydney 'green bans', seemed to presage a change in the wind.

Compulsory Arbitration

The highly legalistic systems of industrial arbitration operating in Australia are compulsory in two senses. The first, and most obvious, is that once an arbitration decision has been handed down in the form of an award its terms are legally binding on the employers and employees covered by it. The second, and more significant, is that either employers or trade unions can legally compel the other to deal with issues of common concern through the arbitration machinery simply by submitting such issues to an appropriate arbitration authority. Historically, it has been the unions which have tended to take the initiative and draw employers under the arbitral umbrella. Once they have done so, of course, the compulsion applies equally to themselves. But this still leaves open the question of how far such compulsion extends. Specifically, it leaves open the question of whether a union, having once moved into the sphere of arbitration, can ever choose to withdraw entirely from it.

Such a choice is technically open in the four states with arbitration legislation. In each case, it is specified that unions may cancel their registration under the relevant state tribunal. There is no similar provision in the federal legislation; but, with some ingenuity and effort, a form of deregistration can be achieved, as the airline pilots showed in 1959. Nevertheless, it appears that compulsory arbitration, as a matter of practice, is more stringently compulsory than either the provisions of state legislation or the exploit of the airline pilots might suggest.
The pilots opted out of arbitration because they considered they could gain more by way of direct negotiation with their employers and, as well, avoid the heavy penalties which their readiness to strike had attracted when they were registered in the federal arbitration system. This is the kind of reason invariably given by unionists advocating the abandonment of arbitration. It is, however, a reason which is irrelevant in the case of most trade unions because they depend largely, and often wholly, on arbitration for the promotion of their members’ industrial interests. Even in the case of those industrially-tough unions which could conceivably manage without arbitration, life outside the system is not as attractive an option as is often alleged. For one thing, it would mean giving up the advantages of registration mentioned earlier: incorporation, ability to sue for subscriptions and protection against new competing unions. It would mean also the loss of certain tactical and other advantages which arbitration confers even on the strongest of unions (see Chapter 7).

In general, opting out of arbitration would mean, at best, a more difficult and insecure life for most unions and their officials. At worst, it could mean a fight for survival with the odds stacked against them. The fact that union leaders are only too conscious of these difficulties is shown by the reluctance of even the most outspokenly anti-arbitrationist of them to take the decisive step (with the exception of the airline pilots). When militant unions have been involuntarily deregistered as a penalty for strike action, their leaders have invariably and persistently sought re-registration instead of seizing the opportunity to work outside the system they purportedly despise.

The airline pilots’ abandonment of the federal arbitration system appears to be unique. It involved a cumbersome and complicated procedure which was feasible because their membership was relatively small and united, and worthwhile because they occupied an unusually favourable industrial bargaining position. Even so, the attempt failed in the end. The federal arbitration measure was amended in 1967 to create a special tribunal for the pilots which re-imposed arbitration fully, including strike penalties, despite the fact that their union
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remained unregistered. They were not allowed a clear choice between arbitration and collective bargaining. The same result is more easily achieved in state arbitration systems where industrial tribunals can hold the members of deregistered unions within the system by judicious use of their power to make common rules.

In short, there is effectively no real choice for the general run of trade unions so far as living inside or outside arbitration is concerned. At the same time it is to be emphasised that there is an element of choice inside arbitration. This exists in the sense that registered unions with industrial muscle can, in practice, use collective bargaining and the strike as well as arbitration (see Chapter 7). Moreover, the range of unions in a position to make such a choice was notably extended during the early 1970s, helped by the decay of strike penalties and, for a time, a generally favourable economic climate.
Chapter 3

Trade Union Structures

There were, according to official government statistics, 305 trade unions in Australia at the beginning of 1973. Two major points, both elaborated below, need to be made about this figure. On the one hand, the number of organizationally distinct unions is substantially greater if effective, rather than formal, autonomy is the criterion. On the other hand, this fragmentation is in some measure counterbalanced by a pattern of interunion co-operation which takes five structural forms: the workplace committee, the industry group, the labor council, the national centre and, finally, the political party.

Union Types: Traditional and Other

The classical typology—craft, industrial and general unions—is of limited contemporary relevance if applied literally. There are only a few Australian unions which qualify as genuine craft unions by restricting their membership to a specific type of skilled manual worker, defined in terms of apprenticeship requirements and recruited regardless of industry. Despite the ambitions of a number of union leaders, there are no true industrial unions organizing all employees within a particular industry. Only two major unions can fairly claim to be general or ‘conglomerate’ in the sense that their recruitment boundaries are set without reference to skill or industry, and their memberships include a wide and varied range of occupations.

Although these traditional union types are rarely found in their pure form, elements of one or more of them are evident in most Australian unions. There are, for example, many unions which recruit in two or more distinct occupations without spreading themselves as widely as general unions are presumed to do,
Again, there are others which cover most of the employees in a specific industry. There is also a number of unions organizing professional and sub-professional employees which restrict their membership, like the manual craft unions, to those holding specified qualifications of a formal kind. By far the most common element, however, is the principle of horizontal organization, exemplified in the way the craft union recruits across industries. The majority of Australian unions define those eligible for membership predominantly in terms of what they do or, notably in the case of public service unions, for whom they work. This tends to be so even in the case of unions restricted to a single industry. Most Australian unions, in other words, are based on one or more specified occupations, which may or may not be qualified by reference to a specific industry or to formally acquired skills. The predominance of the occupational union means, of course, that Australian unionism is highly fragmented in an industrial sense.

Apart from bases of organization, there are two other ways of classifying trade unions which are worth mentioning at this point. One relates to the character of the work done by union members. The primary distinction here is between manual and non-manual work; and, accordingly, between unions of manual and whitecollar employees. Over half (about 165) of all Australian unions are whitecollar organizations. Some of them have a minority of manual workers in their membership, just as there are numbers of whitecollar employees in some predominantly manual unions. Whitecollar unions tend to be numerically much smaller than their manual counterparts, but they include two of the largest unions in the Federated Clerks’ Union and the Shop, Distributive and Allied Employees’ Association. The whitecollar category is further divisible into unions covering professional, sub-professional and routine whitecollar employees.

* Amalgamation negotiations between the SDAEA and the Australian Workers’ Union, which resulted in the merging of their New South Wales branches in 1974, would if carried further produce the largest union in the country – a title which the AWU held for many years until the formation by amalgamation of the Amalgamated Metal Workers’ Union in 1973.
Geographical coverage provides another basis of classification. The primary distinction in this case is between state unions, with memberships confined to a single state, and federal unions operating in two or more states. The majority of Australian unions are state unions. There are 140 federal unions officially classified as ‘interstate or federated’ bodies. Just over half of them are literally national in scope in that they operate in each of the six states, and all but a handful of the remainder have members in either four or five states. Between them, these federal unions account for more than 90 per cent of all unionists.

Structure and Power

The governmental structure of Australian trade unions varies considerably in detail. However, they tend to share certain broad features, and this makes it reasonable to sketch a simple model of a federal union structure which can be regarded as typical. There are four main levels in the structure: federal, state, district and workplace. The federal level consists of a council, the union’s highest policy-making body which meets annually, and of an executive committee which meets more frequently to supervise the administration of policy. Both bodies are made up largely of full-time officials. At the state level there are the branches, each with an office in the appropriate state capital and headed by an annual conference, a council which meets monthly and an executive body which is convened more frequently. Part-time officials are much more prominent at this and lower levels (see Chapter 5). Sub-branches based on localities comprise the district level and convene general meetings of their members at monthly intervals. At the workplace level there are shop or office committees which call rank and file meetings as the occasion demands.

There are innumerable variations on this model. In particular, there are many unions which have no significant workplace organization. There are also unions that have developed a sub-branch structure in terms of occupational groups or workplaces rather than localities; others have no sub-branch structure at all.
Again, the branches of some federal unions are based not on state boundaries but on major ports, mining districts or manufacturing centres; and many have a separate branch in the Australian Capital Territory and/or the Northern Territory as well as in the states proper. As we have seen, more than half of all Australian unions are state unions and have no federal structure, although some do have loose consultative arrangements with their counterparts in other states. In these cases the highest policy-making body is therefore the state conference or council or, in many cases, general meeting open to all members.

The variations are equally marked when it comes to matters such as the names and composition of union bodies and the selection of their members. More important, there are enormous differences in the actual distribution of powers between the state and federal organs of federal unions. At one extreme are interstate unions which are virtually paper organizations at the federal level, their main purpose being to provide a means of access to the federal arbitration system. In such cases the state branches operate as autonomous units for most purposes and constitute the really vital level of the union’s structure. At the other extreme are federal unions in which authority is effectively, as well as formally, highly centralized. Even in these cases, however, state branches still tend to have a distinctive and influential part to play. For one thing, as we have already noted in Chapter 2, federal unions commonly have some members, often a substantial number, working under state awards and determinations; and the relevant branches are accordingly involved in dealing with state tribunals, an important area of independent action. Even when state tribunals are excluded, there are other areas of activity which are intra-state rather than interstate in character. For example, apart from the frequency of strictly local disputes and grievances, negotiations for payments and other conditions above the minima of federal awards are often conducted on a localized basis which involves the state rather than the federal level of a union’s structure. In the wider reaches of union activity, too, it is the state organization alone which is eligible to affiliate to such major interunion bodies as the trades and labor councils and the ALP. The independence of state branches in
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general has been strengthened by recent judicial pronouncements on their legal status (see Chapter 2). But their actual or potential independence has often played a highly significant part in factional struggles within federal unions since long before this (see Chapter 5).

Workplace Committees and Industry Groups

In the hierarchy of interunion organization, shop committees formed on a multi-union basis are closest to the rank and file membership. Such committees (distinct from single-union shop committees) consist of representatives of the unions with members employed in a particular establishment, and are designed to facilitate co-ordination of action on local issues. A relatively novel, but less common, variant of the shop committee is the so-called ‘area’ committee comprising representatives from multi-union shop committees of separate plants, usually within the one industry and confined to a particular locality. Area committees were much in evidence during the first half of the sixties, but seem to have suffered something of an eclipse since then. Unlike shop committees, they have rarely been given official union recognition. Both types of workplace committee, in their multi-union form, appear to be limited almost wholly to manual unionists. Union leaderships, even some on the extreme left, tend to be wary of these committees which are difficult to control and prone to thumb their nose at official union policies and chains of command.

Industry groups, in contrast to workplace committees, are invariably formally authorized and controlled by official union leaderships. As the name implies, they are concerned with co-ordinating the activities of separate unions in relation to a particular industry in which each of the constituent unions has members. Given a liberal interpretation of ‘industry’, they are found among whitecollar as well as manual unions. Manual groups are more active and effective at the state than at the federal level, but even at the state level their organization tends to be very loose and they are inclined to fade out of the picture until revived
by an appropriate issue. Among the more stable are the Metal Trades Federation and the Combined Mining Unions’ Council, and industry groups also have a long if erratic history in building and transport.

Whitecollar industry groups, in recent years at least, have been more consistently active at the federal level. The Australian Teachers’ Federation (ATF) and the Australian Public Service Federation (APSF), bringing together the separate state unions of teachers and public servants respectively, are organized as purely consultative bodies but meet regularly. The ATF, with ten unions, covers close to 100,000 teachers. The APSF has six affiliates representing about 80,000 members. Unlike the ATF (see below), it is not affiliated to a national union centre, although it has recently been drawn into regular consultation with the major national centres. However, another unaffiliated whitecollar group, the Council of Australian Government Employee Organizations (CAGEO), has worked more closely with the national centres for some time (see Chapters 1 and 8). The CAGEO, consisting of whitecollar unions organizing federal public servants, is the largest whitecollar industry group with twenty-one affiliates covering 150,000 members. It and the ATF are the only industry groups, manual or whitecollar, that boast full-time secretariats, including a secretary and two research officers in the case of the CAGEO, and a secretary and assistant secretary in the case of the ATF.

Labor Councils

More commonly found under the title of trades and labor councils or trades hall councils, labor councils are defined by locality rather than industry. Affiliation to each of them is formally open to all unions, manual or whitecollar, with members in the appropriate region. There is a number of labor councils in each state, one to each major urban centre. The most important are the six metropolitan councils in the state capitals, although some of the provincial councils in key centres of industry represent comparatively large numbers and carry sub-
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stantial industrial weight. Formally speaking, provincial councils (except in Tasmania where the position is more complicated) depend on the recognition of the relevant metropolitan council for their status, a relationship which in some cases is reflected in their being given representation on the parent metropolitan council.

Only state unions or the state branches of federal unions are eligible for affiliation to the metropolitan councils which meet frequently, usually at weekly or fortnightly intervals. Each affiliated union is entitled to send one or more delegates according to a varying scale related to the number of members on which it pays affiliation fees. In between full council meetings an elected executive committee acts in conjunction with a full-time secretary assisted, in the case of the larger councils, by up to two other full-time elected officials.

The labor councils are predominantly manual union groupings, although a number of whitecollar unions are affiliated to them, particularly in the case of the New South Wales Labor Council. During the 1960s, however, exclusively whitecollar bodies similar to the labor councils developed in the form of the state divisions of ACSPA, mentioned below. These do not appear to be as active as the labor councils, and are numerically much smaller.

The metropolitan labor councils are unquestionably the most authoritative inter-union bodies at the state level despite the difficulties which most have experienced in recent times. The Western Australian council has been constitutionally independent of the state ALP only since 1966. Since 1961 the Queensland council has been faced with a competing and predominantly right-wing counterpart, the smaller but active Combined Industrial Unions' Committee. The roles of right and left have been reversed in two other cases: a left-wing breakaway from the Victorian council endured for six years until a reconciliation was achieved at the end of 1973; and the Tasmanian council was confronted with a similar breakaway in the same year. In each case, however, the metropolitan labor councils have one thing above all in their favour – the fact that they are recognized as the state branches of the ACTU.
National Union Centres: the ACTU

The Australian Council of Trade Unions is the leading national centre. Its principal constituents are the six metropolitan labor councils and 124 individual trade unions. The councils, formally designated 'branches', are branches in a rather special sense, for affiliation to them does not of itself involve affiliation to the ACTU, and \textit{vice versa}. In other words, a trade union can be affiliated to all or any of the metropolitan councils and still not be counted as an ACTU affiliate, as is the case with a large number. By the same token, a union can be an ACTU affiliate without being affiliated to a particular metropolitan council. This independence of the councils is a product partly of the historical fact that in one form or another they all pre-date the ACTU itself, and partly of the federal system of government which provides the councils with their own special area of activity (see Chapter 8).

Normally, only federal or interstate unions are eligible to affiliate to the ACTU, but independent state unions are allowed to join in certain circumstances. The unions affiliated include all of the significant manual workers' organizations, together with a couple of dozen whitecollar unions. Through them, the ACTU directly covers something like 80 per cent, or about two million of all Australian trade unionists – although the official figure is much lower owing to the practice of unions understating their membership in order to save on annual affiliation fees.

The ACTU has two main decision-making bodies: congress and the interstate executive. Congress is the supreme policy-making organ, which is convened for a five-day meeting every two years. It is a large body, 664 delegates attending the 1973 congress. Most delegates are from affiliated unions, the number of positions allocated to a union varying according to the size of the membership on which it pays affiliation fees. Each delegate is entitled to one vote, but may exercise two if his union wishes to reduce the size of its delegation without losing its entitlement of votes. A mere twenty-eight delegates' positions are shared between the metropolitan and provincial labor councils. The
affiliated unions thus dominate the biennial congress, and also special congresses which may be called in certain circumstances but are much more limited in both membership and powers.

It is on the interstate executive, however, that the metropolitan labor councils come into their own in relation to the affiliated unions. The executive meets usually at quarterly intervals. It has seventeen members who may be divided into four categories in terms of tenure and method of selection. In the first category are the president and the secretary of the ACTU, the only full-time members of the executive. Each is initially elected by majority vote at a biennial congress, but has no fixed term of office and does not have to stand for re-election. Secondly, there are two vice-presidents, senior and junior, who are also elected on a majority vote of the whole congress but have a fixed term of office, their positions coming up for election at each biennial congress. The third category consists of seven industry group representatives elected for a two-year term at every biennial congress. These representatives are not elected by the whole congress but on a vote of the delegates within one of the industry groups to which affiliated unions are allocated: building, food and distributive services, metal, manufacturing, services, transport, and the Australian Workers' Union which forms a group on its own. The fourth and final category consists of six representatives of the state branches, which thus make up over a third of the executive's voting strength. Each metropolitan labor council selects its executive member in its own way, these being the only appointments to the interstate executive which are not determined at a biennial congress.

There is a number of lesser committees and sub-committees within the ACTU structure. The four officers (president, secretary and vice-presidents) plus two or three other executive members constitute an executive sub-committee which is formally empowered to deal with matters in between meetings of the full executive; but the sub-committee seems rarely to have met in this capacity. On the other hand, its members have quite frequently acted in conjunction with the representatives of unions involved in an industrial dispute, and so constituted what is formally known as the interstate industrial disputes committee.
There is also a number of specialized committees concerned with policy questions of general interest or with the problems of particular industries. Some of these committees are temporary and short-lived, while others are more or less permanent, and there may be two dozen or more of them in formal existence at any one time. They usually include representatives of interested affiliated unions as well as one or more executive members. The whole structure is serviced by a full-time administrative staff of nine, including the president, the secretary, a research officer and assistant, industrial, publicity and education officers, an office manager and the president's personal assistant. This is the establishment which, with occasional help from the offices of one or two of the larger affiliated unions, also provides the staff support for the quite extensive outside activities of the ACTU (see Chapter 8).

As far as the ACTU's governmental structure is concerned, it is the biennial congress and the interstate executive which matter most. Formally speaking, of course, congress is the superior body. All decisions of the executive are subject to congress review and approval. Moreover, if an executive decision purports to make or alter policy, as distinct from administering policy already laid down by congress, the decision must be formally endorsed by a majority of the state branches before it can take effect - a requirement which further underlines the influential position of the metropolitan labor councils. But even if endorsed by the state branches, such a decision can still be repudiated by congress. As a matter of practice, however, the interstate executive and its recommendations normally carry a great deal of weight at congress.

Whitecollar Union Centres

There are two interunion bodies on the whitecollar side which qualify as national union centres. The largest, by far, is the Australian Council of Salaried and Professional Associations (better known from its initials which are not spelt out, as with the ACTU, but converted into an acronym - ACSPA). ACSPA
has thirty-six affiliated unions* with about 350,000 members ranging from routine whitecollar workers to professional employees. The key bodies in its structure are a biennial federal conference, to which all affiliated unions are entitled to send delegates apportioned in relation to the amount of their affiliation fee; an eighteen-member federal executive; and six state divisions located in each of the state capitals and headed by part-time officials. ACSPA's federal officials, apart from a full-time secretary and an administrative officer, are also part-time.

The other whitecollar national centre is the Council of Professional Associations. It has only eight affiliates representing something over 20,000 members. It has no full-time officials and operates in a fairly informal fashion. The council's attention was initially confined to the federal public service, but two of its affiliates recruit outside this field and its leaders are thought to have wider ambitions. The council has tended to prefer a more exclusivist position than other major whitecollar interunion bodies. In the late 1960s it declined to take part in discussions on the possibility of an all-embracing whitecollar centre, and it is not involved in the standing arrangements for joint consultation which ACSPA, the CAGEO and the APSF have with the ACTU (see Chapter 1). The only one of these organizations with which the council overlaps in membership is the CAGEO, to the tune of three common affiliates. ACSPA, in contrast, shares one union with the CAGEO and five with the ACTU, which also overlaps with the CAGEO to the extent of three affiliates.

The Political Party

There is only one Australian political party which plainly qualifies as an interunion body, and that is the Australian Labor Party. However, four other parties must at least be mentioned in

* This figure includes ten teachers' unions which are formally affiliated to ACSPA through the ATF.
this connexion. The Democratic Labor Party is the only other contemporary party which has both provided for and secured the formal affiliation of trade unions. One (out of an original six unions) is still affiliated to the Victorian branch of the DLP. The three main Communist parties, already discussed in Chapter 1, do not provide for the formal affiliation of unions, but each of them, through their claim on the allegiance of key union officials, possesses special links with particular unions. These links usually have a cash-value to the party concerned.

The ALP is easily the largest interunion body in Australia apart from the ACTU. It has about the same number of separate unions formally affiliated to it, but they are not all the same unions. Their total membership is smaller – amounting, on a recent estimate by D. W. Rawson, to something like 1,600,000 or over 60 per cent of all union members. They include approximately a score of whitecollar unions, which is slightly fewer than in the case of the ACTU. Also in contrast to the ACTU, half of the ALP’s affiliated unions are either single-state unions or the branches of federal unions which are affiliated in no other state. The remainder are federal unions affiliated, through their own state branches, to two or more of the ALP’s state branches.

In all state branches of the ALP, both the memberships on which affiliated unions pay affiliation fees and the amounts they contribute to the party’s running expenses far outweigh the memberships and financial contributions of the party’s other basic organizational units, the local branches consisting of those who have joined the party as individuals. The constitutions of the state branches, with some qualifications, place a premium on size. Union officials, as a result, tend to be numerically dominant in the ALP’s main state organs. However, their numerical dominance is less assured when it comes to the party’s federal organs even though the members of the federal conference and executive are selected largely, though not wholly, by the state branches. In any case, the role of union leaders in the power structure of the ALP is rather more complicated than these facts might suggest and is discussed in Chapters 7 and 9.

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Chapter 4

Members and Money: What Unions Are Made Of

To exist at all, a trade union needs members. To function, it usually needs financial resources. Australian trade unionists – their distribution, composition and recruitment – are thus the first concern of this Chapter. Union income and expenditure are the second.

Members: Distribution and Composition

The more populous Australian states, as might be expected, have more union members than the less populous. The pattern, however, is different in the case of state unionization rates (unionists as a percentage of all employees). Tasmania, the least populous state with the smallest number of union members, heads the unionization list with a rate of 59 per cent. Victoria, the second largest state, has only 49 per cent. In between are New South Wales, Queensland, South Australia and Western Australia, in descending order.

The distribution of unionists by industry cannot be determined with any precision owing to the character of available statistics. What can be said is that manufacturing of all kinds encompasses something approaching 35 per cent of all union members; while public employment (excluding transport) accounts for around 20 per cent, transport for about 10 per cent and the major whitecollar sectors of private employment (banking, insurance, clerical, retailing) for another 10 per cent.

Organizationally, as we have seen, Australian unionists are distributed among more than three hundred separate trade unions, but the degree of fragmentation is not as great as this figure might suggest. Fifty-three unions, with from 10,000 to 170,000 members each in 1973, account for nearly 90 per cent
of the total union membership. At the other end of the scale are close to two hundred unions with less than 2,000 members each.

The typical union member is a white, male manual worker, who is over twenty-four years of age and was born in either Australia or the British Isles. This, of course, is another way of saying that Aborigines, women, whitecollar workers, young people and non-British migrants are minority groups in Australian trade unionism. Of these minority groups only women are recognized in the official statistics of union membership. They comprise 28 per cent of all union members. (This represents 43 per cent of all women in employment, compared with the 58 per cent of male employees who belong to unions.) Only the roughest of estimates are possible in other cases. It is clear, however, that whitecollar or non-manual workers are the largest of the five minority groups. They comprise about 34 per cent of all union members (which probably represents something like 40 per cent of all whitecollar workers, compared with the 53 per cent of all employees who are unionized). Aborigines form the smallest group, comprising at the most one-half of one per cent of the total union membership. In between, the youth category outstrips all except the whitecollar at about 30 per cent; while about 10 per cent of all union members are European (including Turkish) migrants who speak English, if at all, as a second language. Aborigines and migrants are the only groups with no overlapping membership whatever. The overlap between these two and the whitecollar group is also relatively small. In contrast, women and young people are each heavily represented in every category.

The organizational importance of these minorities in the trade union context depends, in particular, on the combination of number and industrial concentration. Aboriginal trade unionists are at one end of the scale. They are fairly concentrated, above all in rural industry, but numerically tiny: it is unlikely that in the whole of Australia there were even 12,000 unionists in the early 1970s who thought of themselves as Aborigines. At the opposite end of the scale, there are the youth who have numbers in abundance but, lacking significant concentration, remain a
Members and Money

large minority in all industries and most unions. The other three minority groups, however, are much more favourably placed.

The whitecollar group is not only the largest but has points of high concentration in both government (public service and teaching) and private (retailing, banking, insurance) employment. Women are strongly represented in the key whitecollar sectors, and also as manual workers in the textile, clothing and other light factory industries. Non-British migrants comprise a major and sometimes dominant section of both female and male manual workers in specific areas, the men being particularly prominent among unskilled and semi-skilled employees in the railways and building industries, and in metal and vehicle manufacturing and factory work in general. The result is that while all three of these categories are minority groups in terms of trade union membership at large, each of them is in a majority when it comes to particular trade unions.

The whitecollar case is the most obvious. As we have already seen, the memberships of over half of all Australian trade unions consist wholly or predominantly of whitecollar employees. A number of these whitecollar unions, moreover, have a majority of women members, an overwhelming majority in the case of two of the largest Australian unions, the Shop, Distributive and Allied Employees' Association and the Federated Clerks' Union. Women also dominate the memberships of a number of manual workers' unions. In the case of at least one of them, the Clothing Workers' Union, the women comprising nine-tenths of its membership are chiefly non-British migrants, who also bulk large in some other feminine majorities. Male non-British migrants predominate in some major manual workers' unions including, among others, the Federated Ironworkers' Association and the Vehicle Builders Employees' Federation.

Recruitment: Sticks and Carrots

The vaunted Australian sense of 'mateship' is doubtless one factor promoting the recruitment of union members. Another, probably less important than it once was presumed to be, is a
more complicated belief in class solidarity. But neither explains a national unionization rate that is exceptionally high by overseas standards. For this, we have to look to factors which are less altruistic in character and range from the frankly coercive to the presumptively seductive.

At the coercive extreme, there is the device of compulsory unionism enforced, in the first instance, by employers. Where this applies, union membership is effectively a condition of employment in the occupation or workplace concerned. The condition is toughest in the case of a 'closed shop', which means that a man must be a unionist before he can be employed at all. In the case of a 'union shop', a man must join and remain in the union once he has been employed.

Similar, but less bluntly coercive, is the device of preference to unionists. It gives prospective employees a degree of choice, and to this extent adds an element of inducement. It applies when union membership is laid down as a ground for preferential treatment by employers at the point where they are engaging labour, and sometimes also in relation to promotions and other matters, such as the order of dismissals. The preference provided may take one of two main forms. In the case of 'absolute preference' non-unionists cannot be employed unless no union members are available. In the case of 'qualified preference' a union member needs something more than his union ticket before being entitled to preference over a non-unionist, usually at least equal competence to do the job.

Clauses dealing with compulsory unionism or preference to unionists occur in many of the awards made by industrial tribunals, both federal and state. Most of them prescribe preference rather than compulsory unionism, and favour qualified preference more than absolute preference. In New South Wales, however, state tribunals are required by legislation to award absolute preference on the request of a union. Such award provisions are legally enforceable against the employers concerned. This is also true of similar clauses found in many formal agreements between unions and employers; but there are as well many unenforceable agreements and informal understandings of this kind. Overwhelmingly, such agreements and understand-
ings provide for compulsory unionism rather than preference, and where absolute preference is specified it tends, in practice, to be applied in much the same way as an explicit compulsory unionism requirement. The central feature of all these arrangements is that the employer agrees or is obliged to act, in effect, as a union recruiting agent.

More or less coercive arrangements of this kind are commonplace, though far from universal, in the case of manual work. They have been much less common in the case of white-collar work, but this is changing. During the early 1970s there were significant extensions of compulsory unionism into retailing, banking and insurance, by agreement, and of absolute preference into private clerical employment by federal award. In the case of non-manual public servants, some form of compulsory unionism has often been applied administratively by state Labor governments and sometimes continued by their non-Labor successors.

Federal Labor governments, on the other hand, have tended to favour a union recruiting device which emphasises inducement rather than coercion. The Whitlam government was thus following an established pattern in its early attempt, disallowed by an unsympathetic Senate, to ensure that pay increases and other improvements would accrue only to those federal public servants who were members of an appropriate union. Unions have sought to have the same device applied in the private sector on a number of occasions, but industrial tribunals have normally declined to discriminate between unionists and non-unionists in this manner.

One other recruiting device depending on inducement, but more widely applied, is the provision by a union of special financial or other benefits which are available only to its members. Discount arrangements with retailers and credit facilities are the most common, but this device takes a number of other forms as well (see Chapter 7).

It is impossible to ascertain, with any precision, the effect of these various recruitment devices on union membership in general. It is probable that they all aid recruitment in some measure, but those relying primarily on coercion would seem
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to have greater impact. Thus Queensland for years boasted both the biggest proportion of state awards with compulsory unionism clauses and by far the highest state unionization rate which, however, plummeted to third place after the compulsory unionism clauses were ruled invalid in 1966. A more specific case is the extraordinary growth since 1970 of the Federated Clerks' Union and, especially, the Shop, Distributive and Allied Employees' Association as an outcome of compulsory unionism agreements with major retail and drug firms. Again, there was the sudden rush of federal public servants to enrol following the election of the Whitlam government with its announced policy of confining pay and conditions improvements to union members. (One sizeable union is reported to have increased its membership by 50 per cent in seven weeks.) Evidence of a different sort confirms the importance of outright compulsion. In Ruth Johnston's recent survey of skilled building workers (a group with one of the strongest union traditions), nearly one-half of a sample of 190 said they had become union members because of a compulsory unionism requirement; and a little under one-third said they would resign their membership in the absence of that requirement.

Union Income

The trade unions possess one all-important source of funds: the dues or subscriptions paid by their members. These account for well over 90 per cent of the income of most unions. A minority of unions is somewhat less dependent on subscriptions, and their number appears to be increasing slowly; but even the least dependent draw over half their annual income from this source. Subscription rates vary considerably. An official survey of ACTU affiliates in 1973 revealed that annual dues for adult males ranged from $4 to $60, with 60 per cent of the unions surveyed falling within the $10–$30 range, but most of them clustering on either $16 or $24. The unaffiliated union of airline pilots, in which a member can be liable for more than $200 a year, is the priciest of all. But there are some manual workers, notably seamen and watersiders, whose subscriptions are
higher as a proportion of earnings. The ACTU congress of 1973 adopted a proposal for phasing in a minimum subscription, common to all ACTU affiliates, which is to be 1 per cent of a defined wage rate by January 1978. The difficulty in realizing this proposal is that many unions are competing for members, and some of them are prepared deliberately to keep their subscription rates low in order to undercut the opposition.

Subscriptions vary within unions as well as between them. Variations sometimes arise within federal unions in cases where state branches are free to set their own rates. But planned variations are more common. Many unions, both manual and whitecollar, prescribe different subscriptions for adult males, ‘junior’ males and females, and sometimes a distinction is drawn between adult and junior females as well. Differential pay rates, of course, are the real basis of these categories. Many other unions, mainly whitecollar, simply relate specified subscriptions to two or more salary categories, without referring to age or sex. The airline pilots, among others, have carried the principle involved to its logical conclusion by fixing a member’s subscription at a percentage of his total salary.

Most subscriptions are payable at no less than quarterly intervals, though some may be paid for shorter periods, and many unions encourage annual payments by offering a rebate in such cases. The difficulty encountered by most unions in securing regular payment of subscriptions is indicated by the fact that it is far from unusual for 60 per cent or less of a union’s membership to be in good standing (‘financial’) at any one time. The problem has been solved for a growing number of unions in recent years by way of the ‘check-off’ system under which a union member’s subscription is deducted regularly from his pay by his employer, as authorized by the unionist, and paid over to the union. No more than a substantial minority of Australian unionists seem to be covered by check-off, but its future extension and the seriousness of the problem it meets are implied by the decision of major metal trades union leaders to consider introducing this system, which they have formerly opposed on the ground that it diminished contact between officials and rank and file unionists.
Apart from subscriptions, many manual and some whitecollar unions charge new members a joining or entrance fee ranging from a few cents to four or five dollars. Levies, however, are of much greater importance as a source of union income. The levy, a formally \textit{ad hoc} payment distinct from the subscription, is widely used to meet emergency situations, such as a sudden need for strike funds or a financial crisis; or it may be used for special purposes like election donations to a political party or an international relief appeal. In a number of cases, on the other hand, it is imposed as a matter of regular or near-regular practice, usually to provide funds for helping distressed members or their dependents but sometimes, to cite a specific levy description, simply ‘to augment union funds’. The maximum amount per member that can be levied in any one year is usually specified in union rules. Whitecollar unions resort to the levy much less frequently than manual unions. They also tend to use it for relatively limited purposes (mostly, it seems, for meeting unforeseen arbitration expenses), and are much more inclined to rely on the voluntary principle in collecting it. Levies imposed by manual unions are almost invariably compulsory, apart from political levies which have been at least formally voluntary since 1960 when the ACTU declared against compulsion in order to avert federal legislation on the matter.

Returns from investment have increased in importance as a source of union revenue in recent years. In particular, there has been a steady if slow growth in the number of individual unions owning buildings capable of both housing themselves and providing office space for letting. Others have built up relatively substantial investments in other forms. At the same time, while a number of Australian unions derive an unusually large portion of their income from sources of this kind, few could be described as really wealthy. The Australian Workers’ Union, almost certainly the richest, has assets reputed to total something like $13 million, and there are at least one or two others with assets thought to be well over $1,000,000. Many unions, however, have no investments to speak of; and most of those that do, are relatively small investors and confine themselves to government and public authority loans.
Members and Money

One other source of revenue is the advertising carried by most union journals. However, the amount involved is often quite small and is usually swallowed up in the costs of producing the journal, although there are a few cases in which journal advertising is a genuine source of funds.

Expenditure and Financial Management

There are many Australian unions whose annual income runs into hundreds of thousands of dollars, and a number over the million dollar mark, but running expenses soak up most of this.

The biggest single item of expenditure in the case of all unions of any substance consists of the salaries and allowances paid to full-time officials and supporting clerical staff (see Chapter 5). This rarely accounts for less than 30 per cent of total expenditure and is sometimes as much as 60 per cent, there being no discernible difference between manual and whitecollar unions in this connexion. Honoraria and payments for attendance at committee meetings, which part-time officials often receive, are tiny in comparison but must be added to salaries. So, too, must the commissions which are paid, mainly by manual unions, to shop stewards or other workplace representatives for collecting membership subscriptions, usually 10 per cent of the amount collected. In many cases, however, this is only the tip of the iceberg, the major cost of collecting subscriptions being hidden in the salaries of those full-time officials, mainly at the level of 'organizer', who devote much of their time to dues-collection. The expense and inefficiencies of this method of collection, most serious for unions covering employment areas with high turnover rates, explain why many union leaders favour the check-off system. Usually, but not invariably, unions pay to cover the administrative costs of the check-off to employers, the charge being assessed like shop stewards' commissions and ranging in known cases from 2.5 per cent (usual in public employment) to as much as 10 per cent. Salaries, allowances, honoraria and commissions, together with normal administrative costs (including accommodation, travel, office supplies and
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equipment), account for the great bulk of the annual recurrent expenditure of most unions.

Most unions issue a regular journal or journals as a standing commitment (see Chapter 5). No expenditure of union funds is entailed in those cases, mainly manual unions, where an outside ‘contractor’ publishes the journal free of charge in return for whatever he can make from the sale of advertising space. Otherwise, the cost can run as high as 18 per cent of total expenditure (after income from sales and advertising is deducted), as in the case of at least one union with a full-time editor. The majority of union journals, however, are edited and produced by officials with other functions as well, which means that the greater part of their cost is hidden because, with one or two exceptions, no separate evaluation of such work is made for accounting purposes. Even in these circumstances, only a few union journals either break even or return a profit. The average cost, after deducting returns from advertising which most of them carry in some degree, appears to be somewhere in the region of five per cent of total annual expenditure.

Another regular commitment for most unions is affiliation fees payable to interunion organizations. These occasionally approach five per cent of total expenditure, but are usually rather less. A number of unions regularly expend varying amounts from their general funds in the form of benefit payments to members or dependents, mostly for funeral expenses and distress relief.

Commitments on some other items are irregular but often substantial. Arbitration proceedings, especially at the federal level, can be very costly and quite commonly involve individual unions in an outlay of several thousand dollars annually. Expenses associated with other legal proceedings, particularly workers’ compensation cases, are also often considerable. Less substantial donations to the campaign funds of political parties, like party affiliation fees, are usually drawn from general funds. The same source is used in some cases to provide sustenance payments to members involved in long strikes, but most unions with an interest in strike funds seem to rely on ad hoc appeals and levies on members still in work. Either way, rates of strike
pay are in general pitifully low, being usually $10 or less per
week for a single man, and little more for a married man.
Recently, there have been some significant exceptions involving
relatively small numbers of white-collar workers whose strike
pay has matched their normal salaries. More commonly,
however, strikers get nothing.
In the case of federal unions, it is at the level of the branches
that most expenditure occurs. It is also the branches which
collect subscriptions, the main source of funds, and normally
contribute a set proportion to the federal office. Generally speaking,
branch and federal finances are managed separately once the
initial division of income has been made, each branch being
responsible for its own financial affairs. There are, however,
considerable variations in particular cases: in some federal
unions financial control is more highly centralized, and in others
the federal office is more under the thumb of the state
branches.
Most unions live within their income. Many manage a
respectable surplus, and some a remarkably handsome one. A
few unions register losses; these are serious and may be
continuing when associated with declining industries.
Most trade unions are registered under legislation which
requires them annually to file properly audited financial stat-
ements with appropriate public authorities. There is no evidence
that such statements are assessed in any way once filed. In any
case, they vary enormously in informativeness and unions are
often years behind in filing them. A minority publish their
financial statements in the journal they circulate to members.
Charges of corrupt financial management are part and parcel
of union factional struggles. Thus is, of course, a problem of
definition. Parties challenging established union leaderships
commonly at least imply that, even though properly authorized
by the appropriate union bodies, the salaries of union officials
and any special payments or fringe benefits available to them in
such a way involve corrupt financial management. Political
opponents customarily read a similar implication into the
various devices which may be used to divert union resources
to a favored party or grouping, such as sending all the union's
publishing work to the party's printery, appointing part-time
party functionaries to paid union positions, or using officials’
time and union vehicles for party purposes – not to mention the
payment of affiliation fees and direct donations. But borderline
and other cases apart, it must be said that firm evidence of
unequivocally corrupt practice in the management of unions’
financial affairs is rare. The courts occasionally deal with cases of
embezzlement of union funds, usually involving officials below
the top levels. And, always, there are rumours of much more. It
would be utopian to assume that all such allegations are ill-
founded. As far as the evidence goes, however, it seems that
corrupt financial management is not a major problem among
Australian trade unions in general.
Chapter 5

Officials and Activists:
Those Who Run Unions

The political hierarchy of the Australian trade union has three principal levels. The first consists of the officials, those holding constituted offices in the union. The second comprises the activists, not themselves officials, who display continuing concern with the doings of the officials and the disposal of their offices. The third is made up of those other rank and file members whose demonstrated interest in union affairs is at most irregular—this includes the majority of union members. It is obviously the first and second layers which, for the greater part, enclose the active agents in trade union government.

Officialdom

The crucial distinction to be made in the case of officials is between those who are employed full-time and those who carry out their duties largely in their spare time. A number of smaller unions, particularly on the whitecollar side, rely wholly on part-time officials for the conduct of their affairs, and some of them are federal organizations. The trend, however, is unmistakably in favour of full-time officials. Some small unions compromise on the issue, two or more of them sharing the services of a full-time secretary or industrial officer; but, increasingly, union secretaryships, as the main executive office, have been made full-time posts. In the case of federal unions this typically entails a full-time secretary at the federal level and for each state branch, although it is not uncommon for a full-time state secretary to double as federal secretary, or for state branches with small memberships to have part-time secretaries. The other standard full-time positions are those of assistant secretary and of organizer or industrial officer.
Sometimes the position of president/chairman is a full-time one, usually at the federal level only; otherwise it is filled on a part-time basis. The part-time rule holds almost invariably in the case of vice-presidents and the ordinary membership of federal and state executive committees, councils and conferences, although these posts are often filled by officials who already have a full-time position in another capacity. All posts in sub-branches are part-time, as are those of workplace officials such as shop stewards and office representatives.

One position of growing importance outside the traditional categories is that of research officer, which is almost invariably held on a full-time basis. Other specialist officials, such as journal editors, public relations officers, education officers, rarely hold office on a full-time basis. The primary function of most union research officers is to prepare and, often, to present their union's case in arbitration proceedings or direct negotiations with employers. Before the title and the position became increasingly common, from the mid-fifties, there were a few specialist officials of this kind under other names, such as arbitration agent or industrial officer, but the function itself was normally handled, and in most cases still is, by union secretaries or assistant secretaries.

Federal secretaries are normally responsible for managing the finances and servicing the federal organs (executive, council, conference) of their union, in addition to acting as the union's representative in federal arbitration cases and interstate negotiations and disputes. This responsibility may be shared, effectively as well as formally, in unions with a full-time federal president; and the actual tasks involved may be shared by delegation, in unions with one or more other federal officials from the level of assistant secretary down.

State secretaries have parallel responsibilities relating to financial control, servicing the branch executive and conference, handling intra-state negotiations and disputes and, in appropriate cases, representing the branch before state industrial tribunals. But their responsibilities also tend to be more diversified and the work involved much more detailed. The reason for this is that state branches, unlike the federal office, deal directly
with rank and file members. Above all, it is at the branch level that members are recruited and have their subscriptions periodically collected and recorded. It is at this level also, as we have seen in Chapter 3, that most disputes emanating from the workplace are handled because, even in the case of state branches with memberships covered largely or wholly by federal awards, such disputes tend to be intra-state rather than interstate in character.

The functions of state branches thus demand much greater administrative resources than those of their federal counterparts. This is reflected in the much more prominent role played at the branch level by appointees of the organizer/industrial officer type, easily the most numerous of full-time officials, whose principal concerns are typically recruitment, dues-collection and handling local disputes. The organizer is the full-time official in closest contact with members, usually visiting their workplaces and attending sub-branch and other meetings in the area allocated to him. He deals with the part-time sub-branch officials, whose functions are usually oriented towards policy-making although sub-branches do not as a rule play a very authoritative role in this respect. He also deals with the part-time workplace representatives who recruit members, collect subscriptions, often distribute the union journal and sometimes negotiate grievances with employers.

The functional differences between the federal and state levels of interstate unions are also reflected, at least in the case of sizeable unions, in the distribution of full-time officials between the two levels. The Amalgamated Metal Workers' Union (AMWU), Australia's largest, thus has twelve full-time federal officials (including three research officers) as against seventy-eight full-time state officials, sixty-six of whom are organizers. The distribution of full-time state officials among the AMWU's branches indicates the importance of membership size, which at once creates the need for such staff and provides the financial resources to meet it. The range, in strict order of membership, is from twenty-eight officials in the New South Wales branch to four in the Tasmanian branch. But size enables economies as well, depending on the degree to which memberships are concen-
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trated industrially and geographically; and this is evident in variations in the ratio of the AMWU's full-time state officials to branch memberships. There is one such official to 2,250 members in New South Wales, and to 2,632 members in Victoria, while the corresponding figure is well below 2,000 in the smaller states. The ratio for the AMWU as a whole, including all full-time federal officials in the calculation, is 1:1,853. Whether or not this ratio is typical is uncertain because of inadequate data. It may well be unusually favourable since the AMWU is the product of a recent amalgamation, which probably means that its list of full-time officials is temporarily somewhat swollen. One thing, at least, is clear: there are very great variations among unions, and, in known cases, the number of members to one full-time official ranges from 859 to 3,237.

Officialdom and the Minorities

The typical union official, full-time or part-time, is white, male, over twenty-four years of age and was born either in Australia or the British Isles. It is less certain, though likely, that he is also a manual worker or, if a full-time official, was a manual worker at the time of his initial appointment.

Whitecollar unionists, as a minority, are set apart from the other minorities mentioned in Chapter 4 (Aborigines, women, young people and non-British migrants) by one thing above all: they have their own unions led by officials drawn from among themselves. In addition, they have provided the manual unions with a number of full-time officials, mainly of the specialist type – although the flow has not been one-way only, since some whitecollar union positions above the specialist level have been filled by former manual union officials. Nevertheless, the fact remains that whitecollar unionists are strongly represented in the ranks of officialdom.

The other four minority groups fare poorly in comparison. Aborigines appear by far the worst off in terms of raw number of officials. Young people do little better than Aborigines once the
great difference in the size of the two groups is taken into account. Non-British migrants and, especially, women are well ahead, although their representation still falls short of their relative numerical strength. In the case of each of these four groups, however, there tends to be an element of tokenism in much of the representation they do have because, to a varying extent, all have become fashionable minorities among sections of union leaders in recent years.

The first full-blood Aboriginal known to hold a full-time union position was appointed an organizer in the old North Australian Workers' Union (NAWU) in 1965. He was replaced the following year by another who organized the first strike of Aboriginal stockmen before leaving the union a few months later. Since then a number of Aborigines have held part-time positions in other manual unions, and at least three have been full-time organizers in unions covering building and waterside workers. Before the mid-sixties the unions in general, and the NAWU in particular, had shown little interest in Aborigines as unionists. Up to 1964 they were actually debarred from membership of the Australian Workers' Union (AWU), the other union concerned with major areas of Aboriginal employment. In 1973 Aboriginal spokesmen were still publicly accusing the AWU of antagonism and the ACTU of disinterest.

White youth has not had as hard or unrewarding a row to hoe. The examples of youthful full-time officials are not numerous, but they are there. The most eminent is the 22-year-old who was elected New South Wales state secretary of a major building union in 1961; and the youngest is a 19-year-old girl who in 1973 was an organizer in a predominantly female manual union. The position of research officer has almost certainly given young people readiest access to full-time positions. More of them are part-time officials. Their representation appears to have increased in recent years owing to the growing interest some union leaders showed in them during the sixties. Other reflections of this interest were youth conferences and committees, convened on both a single and a multi-union basis, and the institution of an annual 'Youth and Unions Week', jointly sponsored by manual and whitecollar union centres. Of course,
the peculiar difficulty from the symbolic angle about youthful appointees to official positions is that their qualification is a wasting one.

Women appointees, on the other hand, have the great symbolic advantage that their qualification is both permanent and obvious. They have occupied full-time posts at least as far back as the 1920s, sometimes as state secretary or assistant secretary, usually of small and mainly female unions, or as secretary-organizer of a female section as in printing industry unions. In recent years there has been a clear expansion in the number of both full-time and part-time women officials. During 1973, for example, there was a small rash of 'first' appointments which were significantly well-publicized by the unions concerned. The full-time positions affected were mainly those of organizers, but one was a state presidency; the part-time positions included a federal presidency and executive memberships. During the preceding few years, moreover, women had displaced men in some full-time union secretariats. The trend has been most marked in the case of white-collar unions, particularly those with high female memberships. Manual unions have not been unaffected, but the tally of women delegates at the ACTU’s 1973 congress tells its own story: there were twenty-three, comprising 3 per cent of all delegates present, and at least fourteen of them were from white-collar unions.

The 1973 ACTU congress showed an awareness of women employees by passing two long resolutions about their problems. It also passed equally lengthy resolutions concerned with Aborigines and with young workers, and in the course of its proceedings there was a number of references to co-operation with white-collar workers’ organizations. The only minority which rated no mention whatever were the non-British migrants. Despite this, they are in fact quite well represented among part-time officials at the shop steward level, where they play a particularly important role in unions with the language problems that heavy migrant memberships usually entail. Above this level their representation drops sharply in the case of both part-time officials and, especially, full-time officials. The first known full-time official (probably an organizer, though his formal
status seems to have been somewhat ambiguous) was a multi­lingual Pole who held office in an AWU state branch for some years during the 1950s before he was dismissed after establishing a strong personal following among the branch’s non-British membership. In the early and mid-sixties there was a small burst of appointments of non-British migrants to the post of organizer in a few unions; and there were others to senior part-time positions. The expansion in the number of non-British migrant officials since then appears to have been slight and almost wholly confined to the organizer level, as far as full-time offices are concerned. At the ACTU congress of 1971, it has been claimed, only three delegates were non-British migrants.

It is a common complaint among migrant unionists that they are under-represented among their officials. It is an equally common allegation that this situation is a product largely of lack of encouragement, and often outright hostility, on the part of Australian union officials who prefer to ignore the special problems of unionists with varying cultural traditions and an imperfect grasp of the English language. Certainly, there has been a strong note of ‘assimilation-or-else’ in official union attitudes, although only one small union for a time went as far as debarring non-British migrants from membership unless they were naturalized. Some of the unions with heavy migrant concentrations print part of their journals in one or more foreign languages (usually Italian and/or Greek), but this service is almost invariably limited to official notices of meetings and elections. On the other hand, the special interest claimed for non-British migrant workers does not seem to have been sufficient to ensure the success of attempts to organize them on this basis. A short-lived New Citizens’ Council was registered as a trade union for a few months in 1959 under New South Wales legislation. From time to time since then other independent organizations claiming to cater for the special needs of migrant workers have sprung up and died. There have also been attempts, again apparently short-lived, at sectional organization within one or two unions. Major handicaps have been ethnic and political divisions among migrants themselves leading, for example, to a preference among some migrant workers for
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'neutral' Australian foremen—a preference which could conceivably extend to union officials.

The yawning gulf that seems to separate many, if not most, union leaders from their non-English speaking members was highlighted in the Ford strike of 1973, one of the more violent episodes in recent trade union history. This has left its mark on some prominent union leaders, although the ACTU congress held six weeks after the event showed no concern, as we have seen. Later the same year, however, the metal trades unions formulated their claims for a new award; and, for the first time since the immigration programme started, Australian unions claimed on-the-job English lessons for migrants and 'bereavement leave' in the event of close relatives dying outside Australia. The Ford strike was by no means the first major dispute in which non-British migrants played the leading part, but it may well turn out to be something of a watershed in the relations between migrant unionists and their officials.

Selection, Qualifications, Tenure and Pay

Trade union officials are either elected or appointed to office. In the trade union context, appointments are almost invariably the formal responsibility of collective bodies (committees, councils, conferences), and therefore normally involve some sort of electoral procedure in that a vote is, or may be, taken. As a result, the critical distinction between election and appointment hinges not on the procedure followed, but on the nature of the electorate. Officials select officials in the case of appointment. In the case of election, ordinary union members have the opportunity of taking a hand in the selection process. The distinction, in other words, is between a method of selection that directly involves rank and file unionists (election) and one that does not (appointment).

Election is the predominant method, overwhelmingly so in the case of part-time officials at all levels. Nevertheless, selection by appointment is often used in relation to the ordinary membership of federal bodies and major part-time federal offices such as president and vice-president. At the other end of the hierarchy,
too, some part-time workplace representatives are appointed or, if initially elected by local memberships, need to be confirmed in office by a higher union body.

Election is less plainly dominant when it comes to filling full-time positions. There are unions in which all full-time officials (research officers usually excepted) are elected; and there are some, mainly whitecollar, in which they are all appointed. In other unions, manual and whitecollar, both methods are used to select full-time officials. Appointment, it seems, is rarely used in these cases to fill the key executive positions at the state level (secretary, assistant secretary), but is often employed to select federal officials and those at the level of state organizer.

Only one qualification is formally required of most union officials at the time of their selection, and that is financial membership of the union concerned. This is an invariable requirement in the case of part-time positions, but not in the case of full-time ones. Whitecollar unions frequently invite applications from outside their own membership for full-time vacancies, including secretaryships. Their full-time officials, although mostly drawn from the membership of the union concerned, include a substantial number who have come from outside. Whitecollar union officials thus tend to be fairly mobile, in interunion terms. Their manual counterparts are less so, but transfers do occur, particularly at the level of organizer. The growing practice of appointing research officers from university graduates, who invariably come from outside their own ranks in the case of manual unions, is probably another source of mobility given the restricted promotion possibilities likely to be open to such appointees — not that the promotion barrier is altogether insurmountable, as R. J. Hawke (and there are one or two others) showed after beginning his union career as the ACTU's full-time research officer.

Among Australian trade unions in general, however, the emphasis is still on the selection of ‘insiders’, even for specialist positions like that of research officer. Would-be officials are usually expected to have shown an active interest in their union’s affairs and, in the case of candidates for higher positions, to have served an apprenticeship in part-time or junior full-time offices.
within the union. By the same token, the typical union official, manual and whitecollar, has acquired his knowledge and skills in administration, negotiation and industrial law through a mixture of experience and self-education. The results are often impressive at the top levels of officialdom, but in recent years there has been evident among the unions a growing concern with other ways of equipping officials for their job.

Union interest in formal training programmes has taken shape and substance since the mid-sixties. One of the landmarks is ACSPA's inauguration in 1967 of a nine-day residential school which has since become an annual event, with the ACTU and the CAGEO added as sponsors. Most of the other training schemes offered have followed the pattern of a full-time, usually live-in, school varying in duration from a weekend to a fortnight. Most of them, too, have been organized by interunion bodies or at least on an interunion basis. Some individual unions arrange courses for their own members. Whatever their source, however, most training schemes have focused on officials at the level of shop steward.

A number of developments occurred during the early seventies. The first full-time union education officer was appointed by the ACTU in 1970. A major union, the AMWU, and the Trades and Labor Council of Western Australia (with the help of the state Labor government) each later made a similar appointment; and the Labor Council of New South Wales partially followed suit with a publicity and education officer. Another state Labor government made it possible for a union education officer to be appointed full-time by the South Australian Workers' Education Association, which administers the Trade Union Postal Courses scheme sponsored by the ACTU, ACSPA and the CAGEO, and accessible nationally and without cost to any member of the many unions affiliated to the scheme. By the end of 1973, however, trade union training was on the point of a transformation with the announcement that the federal government had approved proposals for a National Trade Union College and state Trade Union Training Centres, financed from government funds and administered by bodies with strong union representation.
The tenure of elected full-time officials is usually fairly secure, even though they come up periodically for re-election at intervals varying from one to six years in the case of different unions. The state branch of one union has a rule debarring full-time elected officials from holding office for more than six consecutive years. But in general, and particularly at the more senior levels, they are probably more secure in their jobs than middle-range business executives: for example, amalgamations, the union version of company takeovers, never involve sacking full-time officials. Of course, established officials are sometimes turned out of office by union electors. Such defeats tend to spring less from considerations of administrative ability than from the shifting tides of factional warfare.

Formally speaking, appointed full-time officials enjoy greater security of tenure than their elected colleagues because they are normally permanent appointees. In practice, however, they are no more secure when factional reverses occur; and they may be much less so because, both politically and technically, they may be more easily sacked by a newly triumphant faction. With or without factional changes, appointed officials at the level of organizer have proved particularly vulnerable to peremptory dismissal (and even on the ground of striking against their employer). There is at least one major union which vests in its federal secretary the power to dismiss any other official, whether elected or appointed.

The salaries of full-time officials vary considerably from union to union. Although officials are continually negotiating awards and agreements regulating their members’ pay rates, there has been only one award dealing with their own pay and that, the outcome of private arbitration many years ago, limited to the Electrical Trades Union. Nor have they a trade union capable of negotiating a wider award or agreement on their behalf. The Federated Clerks’ Union enrols the clerical staff of other unions, but not the officials, although research and industrial officers are sometimes members. There has often been talk of a union for union officials, but so far without result. Each union has thus been left to settle its officials’ salaries in its own way.
Most unions, as it happens, seem to follow the principle of tying officials' salaries fairly closely to the pay rates of their members. One outcome is that the salaries of white-collar officials, geared to pay scales with relatively long promotion ranges, tend to be markedly higher than those of their manual counterparts. The point is illustrated by variations in the weekly salary rates of senior officials in five unions during 1973:

<table>
<thead>
<tr>
<th>Union Type</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual union (unskilled workers)</td>
<td>$112</td>
</tr>
<tr>
<td>Manual union (skilled/semi-skilled)</td>
<td>$128</td>
</tr>
<tr>
<td>Manual union (skilled)</td>
<td>$136</td>
</tr>
<tr>
<td>White-collar union (technical)</td>
<td>$182</td>
</tr>
<tr>
<td>White-collar union (professional)</td>
<td>$219</td>
</tr>
</tbody>
</table>

The manual union rates, it may be noted, are not far from the national average weekly earnings of adult males which amounted to about $106 in mid-1973. The pattern, however, is by no means invariable. There are some manual union officials who do better than most, although rarely as strikingly as the state secretary with a weekly salary (in 1973) of $504, of which $96 was for acting as part-time federal secretary. In comparison, the secretary of the Victorian Trades Hall Council was receiving $200 per week, and the president of the ACTU about $230.

The practice of relating officials' salaries to members' pay rates has one other notable outcome in the case of manual unions: the range of salaries paid to the officials of a particular union tends to be very small. Thus a federal secretary normally gets more than his state secretaries, who in turn get more than their organizers; but the differences are often very slight, and the range of weekly salary rates may involve a variation, from top to bottom, of less than $10. Sometimes there is no salary distinction between a full-time president and secretary, or between secretary and assistant secretary; and there is at least one major union in which the salaries of research officers and state secretaries are identical. In white-collar unions, on the other hand, salary differentials tend to be much more pronounced.

The income of most full-time union officials is not limited to their salary. Organizers and above normally have a car and a home telephone provided by the union, with running costs
Officials and Activists covered. Many are paid a set allowance for general expenses as well as being covered in relation to specific expenses. A few have the advantage of housing loans from union funds on generous terms. With these and sometimes other additions, the actual incomes of officials can be substantially higher than their salaries indicate. This is relevant to a point frequently made, that Australian union officials are underpaid. There is no question that a great many are very badly paid by any reasonable standard, given their responsibilities, their skills and their often long and irregular working hours (overtime payments being rare). But there are many cases in which the issue is at least debatable. Some of these exceptions, largely on the whitecollar side, declare themselves on the ground of salary alone; others become evident once additional forms of income are taken into account.

The payment of part-time officials is, of course, a much smaller matter. They are customarily recompensed for any loss of pay through attending to union business, and for related travel and other expenses. Those with titled offices (president/chairman, honorary secretary, trustee) are often also paid an annual honorarium, which may be several hundred dollars but is usually much less. Ordinary members of committees and councils sometimes receive honoraria, but more often a set fee for each meeting attended. Workplace representatives, as we have noted in Chapter 4, are normally paid a fixed percentage of subscriptions they collect; and where the check-off system operates, they are sometimes given an honorarium related to the number of union members covered.

Both part-time and full-time officials may be in a position to tap additional sources of income outside their own union. A growing number receive fees or other payments as part-time members of a variety of federal and state government bodies ranging, for example, from wages boards and apprenticeship committees to the New South Wales Legislative Council and the board of the Reserve Bank. Some are entitled to fees as members of non-governmental bodies supervising enterprises with which unions are associated in some way, such as newspapers, credit unions, retail stores and radio stations.
Apart from these legitimate sources of outside income, there are occasional rumours of officials using their position to secure some personal financial advantage by way of 'kick-back' deals relating, for example, to the maintenance of industrial peace in sensitive workplaces, or to the promotion of discount or other trading schemes among union members. One substantiated case, of impressive proportions, involved a single official who allocated workers' compensation briefs to solicitors prepared to pay for the privilege. But the most celebrated union kick-back case, of modern times, was somewhat different in character. It concerned 'indemnity payments', totalling almost $90,000 by 1957 when the ACTU banned the practice, which were made by shipping companies wishing to employ non-Australian crews on certain ships. The ACTU established, however, that the money had gone into the funds of the maritime unions involved, and not into the pockets of their officials. This also appears to have been the destination of $1500 which a union leader admitted receiving from a construction firm in 1971 during a building strike (he described the payment as 'an act of contrition'). Although they involved no personal financial advantage, these two confirmed cases make the point that the kick-back is not unknown among Australian trade unions. At the same time, it must be emphasised that this is an area in which gossip is king and hard evidence rare.

Communicating with Members

Traditionally, trade union leaders have relied heavily on face-to-face communication with their members; and that means, above all, relying on meetings. As a means of general communication, meetings still have their place but they have declined in significance primarily as an outcome of large and residentially scattered union memberships. Other means of communication have become more important in these circumstances, particularly those involving the written word.

Leaflets and pamphlets distributed to rank and file members are commonly used. So, too, is the more economical device of circulars directed only to workplace officials, who are asked to
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pass on the message to their local membership. Some union officials claim that direct correspondence initiated by individual members on work problems of personal concern is a significant form of communication. But of clearly greater general importance, especially in the case of industrially strong unions, are the public news media. Trade union leaders have relatively easy access to journalists, and through them shrewd officials with a nose for the newsworthy have often been able to make a point to their members more effectively than in any other way open to them. This channel of communication is usually most readily available in pre-strike and strike situations. The practice of using paid press advertisements has become increasingly common, both for publicizing important meetings and for stating the union case during a dispute.

Crisis situations apart, however, the main means of communicating with rank and file members is the union journal. There appear to be few unions, and those the smallest, which do not regularly issue an official publication for circulation to their members. In many federal unions there is only one national journal. In others, one or more state branches issue a journal as well. And in others again, only the state branches publish journals. In a few cases, two or more separate unions with related occupational interests have combined forces to produce a joint journal. Most journals are published at monthly to three-monthly intervals, but there are a few published fortnightly and at least one weekly. They are normally circulated free of charge to all union members in good financial standing. Wherever practicable, they are distributed by shop stewards and office representatives in the workplace, but many are posted, which explains the intense union reaction to the 1973 federal budget proposal (since largely reversed in the case of union journals) to phase out postal concessions for periodicals.

Journals vary from a couple of badly stencilled sheets to sixty-page ‘glossies’. Many are in the form of small newspapers, a few of which make some attempt at adventurous use of headlines, but the trend is towards the magazine style and gaily coloured covers. A few show signs of imaginative production between the covers. In general, however, layout tends to be ultra-staid.
Many include at least one or two photographs (usually of officials), and a few make lavish use of them. Most carry advertising, some a great deal; and employers of a union’s members often figure prominently in the advertising carried by its journal.

The content of journals varies, as might be expected. There is a minority of journals, not restricted entirely to manual unions, which displays a consistent concern with international affairs and international trade union organization. More show at least occasional interest in domestic political events and express opinions about them; and many of these feature explicitly pro-ALP articles at state and federal election times. Many print occasional informational articles on matters of general interest, though the emphasis is heavily on matters of public policy. Some journals directed towards tradesmen, technical or professional employees, provide a regular source of information on technical matters and, in one or two cases, on job opportunities. Some, mainly whitecollar, run a regular letter column in which members express their views. Others print reports on union-organized social gatherings, such as balls and picnics, or gossip columns based on the contributions of local correspondents. A number are strong on humorous ‘spots’ or joke pages. A few publish regular hints for the housewife and fashion news, and one or two have a children’s page. A number publish book reviews, and very occasionally a short story or poem by a member is featured.

The most notable thing about the content of union journals, however, is not the variations but rather the consistency with which they feature information about the union and its industrial activities. The organizational information relayed in this way is very limited in some cases and very elaborate in others. Formal notices of meetings and elections, and bare statements of major executive or conference decisions are the minimum. Accounts of the deliberations of union bodies range all the way to the regular reproduction of full minutes. Many journals include other material about the organization, such as explanations of its structure, financial statements and articles on aspects of its history. Also common, in both whitecollar and manual
journals, are related statements about the benefits of union membership and the character failings of non-unionists. But, for the most part, journals give by far the greatest attention to industrial activities reflected in the details of pay rates, working conditions, negotiations and disputes. The form varies from an editorial survey of one or two particularly important matters, to a series of stories about different issues or reports from all organizers or state secretaries, and sometimes involves reprinting the complete terms of an award or agreement. A union’s failures tend to be ignored or minimised in its journal, which is primarily concerned with achievements. For many manual unions, the tally of amounts won in workers’ compensation payments for members is a continuing comfort, whatever the news elsewhere. But in every case, each success, small and large, is heralded and headlined.

The stress on success, activity and energy, evident in all union journals, implicitly works in favour of union leaderships. Most, properly, trade on this in some measure, identifying themselves by name and often photograph with favourable events. A few exploit it quite blatantly. Whatever the approach, journals appear generally to play an important part in publicizing existing union leaders and, probably, consolidating their position. In other words, a union’s journal is a political instrument. As such, it is sometimes accessible to those outside the official union leadership. Some whitecollar journals at least occasionally report conflicting viewpoints on policy issues or publish contributions from opponents of the leadership. More, including a few put out by manual unions, publish brief manifestos from all candidates in union elections. But generally speaking, the use of the journal as a political resource is restricted to the ruling group.

Out-factions accordingly have to provide their own journal-substitute if they want to establish a regular counter-channel of communication with rank and file members at large. Many of them do so, usually in the form of cyclostyled broadsheets and circulars but sometimes in much more sophisticated forms when adequate funds are available – more often than not from outside political sources. There are well-established unofficial journals in a few unions. Occasionally, an out-faction secures free
publicity in an official journal by provoking union leaders to answer its attacks. Sometimes, too, the out-faction in a federal union gains direct access to an official journal by winning control of a state branch. But the political utility of this tends to be limited, in the case of a state journal, by the fact that it does not usually circulate in other states and, in the case of a federal journal, by the ability of the federal leadership to censor state branch contributions before publication.

Very little is known about the readership of union journals. It is commonly asserted that there is a vast gap between the number of unionists to whom they are circulated and the number who actually read them. Almost invariably, the discrepancy is attributed to dull presentation and uninteresting content. Lively variety can hardly be expected given the conditions under which most journals are produced — on shoestring budgets, written and edited by busy officials with many other responsibilities, and lacking other publishing experience. At the same time, it is noteworthy that the results do not seem to be greatly different when the editorial role is entrusted to an outside 'contractor' with journalistic experience, whose editing is usually confined to slotting the copy provided by union officials in between the advertisements which are his main concern. With one partial exception, the four journals known to have full-time staff editors (all belonging to manual unions) are not markedly livelier in layout or more varied in content.

It may be true that few members read their union's journal. Of course, if the proposition is ever to be tested much will depend on the definition of 'read'. Irrespective of the definition, it is clear that journals often reach beyond their readership by way of workplace gossip. There are, in any case, likely to be considerable variations in readership from union to union depending on the nature of particular memberships and the adequacy with which journals provide information of interest from the viewpoint of members themselves. And because interest is a relative matter, a sober image is probably inevitable if a union journal is to fulfil what would be generally regarded as its main function: to provide information about the activities and policies of the union and the changing industrial entitlements,
obligations and opportunities of its members. Such things, however important to members themselves, are inclined to make dull reading for outsiders. In all this only one thing is certain, and this is that a union's journal tends to be carefully read at least by those who have the most significant parts to play in the politics of the union - its officials and its activists.

Apathy and the Activists

The great majority of Australian trade union members have little or no hand in the affairs of their unions. The reason is not, for the most part, that they lack opportunities, but rather that they lack interest. In a word, they are apathetic as unionists, just as Australians at large (although there is nothing peculiarly Australian about this) are apathetic as citizens.

Participation in union elections and attendances at official meetings give some indication of the extent of membership apathy. The postal ballot is commonly used in union elections. It could be expected to maximize participation since it enables voters to avoid the inconveniences of physical attendance at a polling place, and otherwise minimizes the expenditure of time and effort necessary to cast a vote. Even in these circumstances, however, it is most unusual for half the eligible members to vote in elections. Higher turnouts do sometimes occur, but they are rarely above 60 per cent and usually the product of special circumstances, except in the case of a few unions with fairly consistent records in this respect - at least one of them, the Waterside Workers' Federation (WWF), has a compulsory voting rule backed by the penalty of a fine. In the great majority of cases, to judge from comments in official journals, union leaders are generally most pleased if there is in a postal ballot a participation rate of about 40 per cent, and rapturous if it climbs above 50 per cent.

Attendances at meetings tend to be poor. Accounts are legion of general meetings which fail for lack of a quorum, often because a few 'regulars' are ill. It is a cause for congratulation in many unions when, in any one year, only one or two of the meetings of a branch or sub-branch lapse for this reason. A
few unions, including at least one on the whitecollar side, still use the old device of the ‘summoned’ meeting, by making non-attendance at specified meetings subject to a fine. When seriously applied, this device ensures that members turn up, but there is still the problem of keeping them there once they have had their union card checked and are no longer liable to a fine. Stopwork and lunchtime meetings based on a single workplace are often well-attended: the WWF, again, combines the device of workplace stopwork meetings with that of the fine for non-attendance. Most meetings, however, cannot be based on particular workplaces; and it is in these cases, summoned meetings apart, that attendances are usually sparse. Specially organized stopwork and lunchtime meetings not based on the workplace can be highly successful publicity-getters, as some whitecollar unions in particular have shown in recent years, but while the raw numbers involved may provide the hoped-for ‘overflow’ effect, they are generally small as a proportion of those eligible to attend. Even when crisis issues are at stake, such as starting a major strike or ending a long-drawn one, attendances almost never exceed a third of the unionists concerned when substantial numbers are involved. Attendances at ordinary meetings, in normal times, are limited to a minute proportion of those entitled to be present.

Union journals frequently carry articles inveighing against apathy and exhorting members to take greater interest in their union’s affairs. On the other hand, it is also common for officials to point to low election turnouts and small meetings as confirming that they are doing their job to the satisfaction of members. A less debatable implication of membership apathy is that it enhances the importance of those few rank and file members who do take the trouble of regularly attending meetings and always voting in elections, the members who have sufficient interest in their union to read its journal more or less closely, to talk about its affairs with their workmates and to encourage them to go to meetings and vote in elections. These are the activists.

The activists, typically a tiny minority of a union’s members, play a highly significant and often vital part in the internal
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It is the activists who help whip up votes at elections. They provide the means of ‘stacking’ meetings, and largely determine whether officials get support or opposition from the floor. It is the activists who may promote or sabotage official union policy by preventing or promoting unofficial strike action. The activists also include the leaders, and are usually the source of out-factions challenging the position and authority of existing officials.

Union leaders thus rely largely on the activists not only for the retention of their jobs, but also for much that goes to make up a comfortable life in office. Their responses, as a result, are geared less to union members at large than to this self-selected elite, to which they themselves, unless appointed from outside, once belonged. Activists have this influence, out of all proportion to their numbers, because the vast majority of their fellow-employees are apathetic trade unionists.

Union Government and Democracy

Most unions are headed by officials who are in general agreement as a group about the main purposes and broad policies of their organization, and about the principle that the majority view should prevail when they differ among themselves. Within the group, the full-time officials tend to carry more weight individually than their part-time colleagues for the sort of reasons that commonly give the professional the edge over the amateur in most areas of specialized endeavour. The ascendency of full-time officials is especially pronounced at the interstate level of union government where they comprise all or most of the membership of federal executives and councils in many unions. Usually, too, it is quite clear-cut at the level of state branch administration, even though full-time officials are normally outnumbered by part-timers in the membership of branch executives, councils and conferences. But below this level, in the sub-branch and workplace where part-time officials are in complete formal possession of the field, the dominance of the full-time official is less assured because of the more attenuated connexion between the two. Hence the ambivalent attitude...
which many full-time officials have towards bodies such as shop committees. Forceful shop stewards, working through shop committees and workplace meetings, have often been able to establish spheres of influence within which they are largely independent of their formal union superiors—a development which has been particularly marked in the metal trades since the early 1960s.

When the officials of a union pull together, as they mostly do, they usually carry at least the bulk of their activists with them. This is normally enough to entrench them in office and ensure their effective control of the union's formal administrative structure. Their hegemony is seriously in doubt only when they or their activists, or both, are gravely divided among themselves. Factions aspiring to oust a union's leadership, or at least reshape major policies, are unlikely to make much headway in the absence of some such division which is sufficiently grand in scale or located strategically enough to give them a firm foothold in the union's structure. Out-factions in some unions are thus able to wage a kind of guerilla war from strongholds established among the activists in particular plants or in particular occupational groups. In other unions the out-faction has captured one or more state branches, and the battle-lines as a result are drawn in more formal terms. At this stage, the union's established leadership is more obviously beleaguered, and the struggle for power more serious, because the out-faction has a foothold at the controlling official level. It is at this stage, too, that factional warfare often surfaces publicly when the federal organs of a union seek to take over a state branch or reverse some of its decisions.

Factional struggles in Australian unions occur within a constitutional framework that can usually be described as democratic in three senses. In the first place, rank and file members are represented on the formal decision-making bodies of their unions. In the second place, they are given some opportunity of directly participating in the formal decision-making process. And thirdly, they have some guarantee that these and other 'rights' attributed to them as unionists will be protected.

In applying the representation principle, of course, the specifi-
cally democratic element lies in the process of popular election. As we have seen, the members of particular decision-making bodies in many unions are selected by some grouping narrower than rank and file members. Nevertheless, in all unions the greater part of the membership of executives, councils and conferences is dependent, if sometimes in a rather attenuated sense, on elections in which all financial members are entitled to cast a vote. Arbitration legislation echoes this emphasis with its 'clean ballot' provisions (see Chapter 2). Significantly, these provisions, once hotly opposed by many trade unionists, are now generally accepted after being used by out-factions of all political colours to deprive governing factions of the advantages that control of electoral procedures can otherwise give them. Established officials normally start with the advantage of being much better known than their opponents – an advantage which can often be reinforced at election-time through their access to the union journal and their freedom, enhanced by official duties and official funds, to move among the membership. For this reason, it is little wonder that the leading officials of most unions, together with the lesser lights re-nominating with them, are rarely defeated. The rules of a number of unions further hamper would-be-challengers by prohibiting the circulation of printed election material, which means that even how-to-vote cards must be handwritten. In one or two cases there are also rules debarring Communists from candidature. Union electoral procedures in general put a premium on organization; established out-factions commonly have a formal title and a developed structure of committees and councils, supported frequently by regular subscriptions and a regular news sheet or journal.

The participation of ordinary members in union decision-making occasionally takes the form of a plebiscite or referendum on a specific issue, usually one thought to be highly sensitive, such as a proposal to increase subscriptions, affiliate to a political party or accept an employers' offer. More often, however, the official meeting is the means by which the rank and file of a union participate in its formal decision-making. At other than stopwork or lunchtime workplace meetings, attendance is usually confined to activists. The proceedings are usually dominated by
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officials, especially full-time officials with advantages of standing, experience and oratorical skill. Ordinary members tend to be diffident about speaking out in such company. However, there are exceptions – not all activists are cheerleaders for officials; not all members are diffident; and sometimes non-activist members become, as it were, temporary activists by attending meetings. And the point about meetings is that they place officials in a position where they are most open to direct public attack and possible humiliation. Attacks from disaffected activists on their own are normally a matter of 'showing the flag', and are capable of inflicting only verbal wounds, although tough-minded minorities (occasionally with outside reinforcement) can make a shambles of meetings when it so suits an out-faction. The consequences for union government tend to be different, however, when officials and their supporting activists come under attack and are overwhelmed at meetings to which ordinary members have turned up in some force. These occasions, though infrequent, are invariably on issues of great importance to members. The classic kind of issue is exemplified in what is, perhaps, the classic case of the 1949 coal strike which ended when packed rank and file meetings rejected their leadership's recommendations to fight on. But rejections of official recommendations not to start or continue strike action are at least as common. Often, as quite frequently happens in the case of strike-settlement offers from employers, officials uncertain of their control simply decline to make a recommendation. At the same time it remains true that officialdom, generally speaking, gets what it wants from meetings open to rank and file members.

The rights of trade union members, as individuals, are given a great deal of attention in arbitration legislation. The content of union rules and their enforcement, the conduct of union elections, the terms of the admission, resignation and expulsion of members, are all subject to legal regulation in some measure and open to judicial investigation and action. In other words, it is accepted in law that unionists should not be subject to oppressive rules or to arbitrary (that is, unauthorized by the rules) decisions. The freedom of union leaderships in domestic affairs,
as a result, is in general much more limited than would otherwise be the case. The effectiveness of these legal constraints is enhanced by the provision, under the federal legislation, that government funds may be used to meet the legal costs of a union member who lays a complaint about his union's rules or about the conduct of officials in relation to the rules. It is, of course, not merely the individual unionist who is thus given some protection against official persecution and sharp practice. The out-factions of which the individual may be a member are also protected. Sometimes, on the other hand, it is the official leadership itself which finds protection from this source—a situation that usually arises after an out-faction has won control of a state branch. The consequence is that industrial tribunals, and above all the federal Industrial Court, have become one of the main arenas of factional battles for control of particular unions.

But perhaps the single most important point to be made about the government of trade unions (as of most other organizations in Australian society) is that, almost invariably, it is minorities which make the running, whether as officials, activists, electors or the majority of a mass meeting. This is why surveys of the attitudes of rank and file trade unionists in general, while of great interest for other reasons, are relatively uninformative when it comes to the question of organizational behaviour. The social and political views of union members at large have little or no direct bearing on the activities of trade unions because they are, for the most part, the views of members who rarely, if ever, play any initiating part in those activities.

Motives and Prizes

The internal politics of unions is an engrossing and often bitter business for the minority who actively care about how their union is run and who runs it. Their reasons for involving themselves in this area, and for the importance they attach to it, vary both in kind and mixture. Nevertheless, the range of rewards may be delineated in broad terms, along with the motives to which they give rise.
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In the first place, there are ideological considerations, of the left or the right, which have in common a belief that trade unions are institutions of considerable social and political importance. The associated reward is the sense of achievement to be gained from helping to bend union policies in a specific direction, or preventing them from being bent in another. The importance of ideology in this connexion lies less in the (probably) relatively small number of officials and activists for whom it constitutes a dominating or exclusive motive, than in the kind of person it brings into union politics - dedicated and prepared to make personal sacrifices for the cause that has his allegiance.

Secondly, there are considerations of personal influence and status. For the rank and file activist, the group he wishes to shine before may be no greater than that formed by his immediate workmates. Union office, however, offers the possibility of much more expansive arenas, ranging from that enclosed by the structure of a single union to those provided by interunion organizations. Beyond that is the wider world open to officials with the publicized power of strike leaders and political manipulators; and with it, the prospects of municipal or parliamentary office, or of a prestigious appointment within the arbitration system.

Finally, influence and status, as a motive for involvement, shade into considerations of material advantage. It has been common for sympathetic commentators to deplore the lot of full-time union officials, and to express amazement that men struggle to become and remain officials despite their being underpaid and overworked. Certainly, as is frequently pointed out, comparable positions on the side of management more often than not pay better. But the picture looks a little different if the yardstick is, instead, a job alongside the ordinary members of an official's union. Then, perhaps particularly in the case of manual union officials, the pay plus allowances and fringe benefits of the official usually represent a greater return. Again, particularly for the manual union official, the nature of the job is often an added advantage in comparison with the conditions of normal employment. In many cases the hours may be long but there tends to be greater freedom in determining the use made of
time, supervision tends to be less close and authoritarian, and the job-manual nature of the work in itself is frequently regarded as an advantage by former manual workers. The job flexibility which union office offers to the manual worker and routine white-collar employee at least, also holds the prospect of greater financial rewards— not only the salaries of arbitrators and parliamentarians, or the perks of city councillors, but increasingly the salaries of industrial officers on the employers' side and, less novel, of industrial inspectors or similarly specialized posts in the public service.

For all these reasons, loss of union office normally involves serious deprivation, particularly for the full-time official who has only manual or routine white-collar work to fall back on. The stakes for such a man are high. They involve, in some measure, his style of life. This goes a long way towards explaining the toughness of trade union politics.
Chapter 6

Interests and Ideologies:
The Purposes Unions Serve

Trade unions, by literal definition, unify. It is generally accepted in Australia that they do so at least for the purpose of protecting and promoting the immediate interests of their members as employees. It is commonly assumed as well that these interests provide, or ought to provide, a bond uniting all unionists and their unions. Often, as when the term ‘movement’ is applied to the collective trade unions, a bond of much greater scope is implied – a shared ideological position involving, above all, a vision of politically-induced economic and social improvement. Among Australian trade unions, however, interests and ideologies are factors which seem more often to divide than to unite.

Seeds of Discord

The ideological spectrum or range of political outlooks among the trade unions is virtually as extensive as that evident in Australian society at large. The point is illustrated, in a minor way, by current forms of address. ‘Brother’ is traditional among skilled unionists preoccupied with the preservation of craft interests and commonly associated with a select club-like conception of unionism: it is still widely used. So is the more modern ‘comrade’ which, although associated especially with Marxian socialists, is not confined in use to them. ‘Gentlemen’ are still found among whitecollar, and occasionally among manual, unionists. But the important point is that the full range of political outlooks suggested by these forms of address – from the arch-radical to the rank conservative – is present in the case of both whitecollar and manual unionists.

Those who are inclined to see an ideological monolith in the trade unions usually pin their faith on something simple like the
objective written into the constitution of the ACTU: 'the socialization of industry, i.e., production, distribution and exchange'. These words, unaltered since the ACTU's foundation and infinitely more uncompromising than those of the ALP's more delicately formulated 'socialization' objective, are still claimed by some unionists to represent a goal to which most major unions are committed by their affiliation to the ACTU. There is, however, no question of most union leaders accepting this as a serious commitment.

It is true, nevertheless, that many and probably a majority of union officials and activists, although no longer receptive to the ACTU's sweeping socialization objective, are socialists in the sense that, if pressed for a personal political description of themselves, they would accept the label of socialist or, at least, democratic socialist. Non-Communists who call themselves socialists normally belong to the ALP. But by no means all officials and activists belonging to the ALP would describe themselves as socialists. Many of them, along with others who belong to no party, verge on an anti-socialist position and move easily into alliances with more frankly anti-socialist officials and activists associated in some way with the Democratic Labor Party, the National Civic Council or, in some cases, the Liberal Party.

To many people on both sides of the professed socialist/anti-socialist dividing line, who know very well what they like and dislike but have no taste for analysis, socialism is not much more than a shadowy feeling that is either bright with promise or dark with menace. One outcome of this is that the conceptions and commitments of unionists who accept the socialist label range from those holding a neo-Marxist blueprint in their minds to those for whom socialism is virtually a content-free slogan of convenience. Socialism, in these circumstances, can scarcely be regarded as indicating a single ideological position and forming a unifying bond. Nor, necessarily, can even a presumptively clear-cut conception of socialism and a firm commitment to it. Although there is a substantial minority of officials and activists who are members of one of the formal Communist parties or of a Trotskyite group, and are thus historically and in conventional
political terms from the same ideological stable, yet all of these groupings are locked in fierce competition with each other (see Chapter 1).

The ideological condition of trade unionists at large, as distinct from officials and activists, is no more homogeneous. Voting for the ALP does not require a belief in socialism or even acceptance of the ALP's watery socialization objective, yet rank and file union members fail to unite even on this mild test of a common political outlook. This is so even if whitecollar union members, the most obvious source of non-Labor votes, are excluded. Survey data suggest that something like a third, at least, of manual trade unionists normally vote against the ALP.

Thus we have a picture of varied and largely conflicting ideological positions. These differences in political outlook provide plenty of fuel for disagreement about the aims and methods of trade unions. As sources of disunity, moreover, they are sometimes reinforced, sometimes utilized and often overshadowed by narrower personal and collective interests. The interests as employees of different groupings of unionists are frequently in opposition; so, too, are the personal ambitions of officials and activists. Clashes arising from differences of interest are, therefore, a common feature of Australian trade unionism. The nature of these differences is perhaps best shown by referring to the kinds of issues which are typically at stake in intra-union and interunion struggles. In such struggles, of course, both interests and ideologies are often involved. Disentangling them, and assessing their relative roles as motivating factors, is always difficult and often impossible.

Areas of Conflict

The disputes which continually scar relations within and between Australian trade unions almost invariably involve one or other of certain recurring types of issues. Differing interests are consistently of dominating importance in the case of three issue-types: jurisdiction, demarcation and employment conditions. Ideologies or political outlooks more often play a major
role, though by no means invariably, when it comes to other types of issues: industrial tactics, political policy, political tactics and control of union bodies.

*Jurisdiction* refers to the categories of employees that a given union is entitled to recruit into its membership. The structure of Australian trade unionism, with its emphasis on the occupational principle of organization, means in practice that the jurisdictions claimed by different unions often overlap and result in interunion battles for the right to enrol a particular section of employees. Such conflicts are often bitter, sometimes reaching the stage of strike action which is designed to force an employer to take sides. Jurisdictional issues are a continuing source of friction in the relations between many unions, whose officials are highly sensitive to the threat of ‘body-snatching’ raids by others and to the possibility of launching their own. The gravity of jurisdictional disputes reflects the great importance which union officials attach to maintaining and, if possible, expanding their membership resources.

*Demarcation* issues involve conflicting union claims, not to members, but to a particular task or type of work. Each union concerned avows that its members, and its members alone, are entitled to undertake the work in question. The point of the exercise is that the union which establishes such a claim at least preserves and may increase the job opportunities of its members to that extent. It also preserves or may extend its field of recruitment. Demarcation disputes are frequent and especially common in industries affected by technological change. They give rise to a great deal of tension which often explodes in strike action.

Employees’ interests in *employment conditions* (including pay) are often at variance. Conflicting sectional interests arise primarily from differences in industry, occupation and skill. For example, the diverse reactions of union leaders to the federal Labor government’s tariff cuts of 1973 are largely explained by differences in the industrial location of their members, the anticipated impact of the cuts on employment conditions varying from industry to industry. Variations in skill have customarily given rise to differentials in pay and conditions; and, in doing so, have also given rise to conflicting sectional interests. Thus there
is the continuing struggle of tradesmen, on the manual side, and of professional employees, on the white-collar side, to preserve the standing of formal qualifications against erosion in favour of semi-skilled and sub-professional employees. Similar in origin are disagreements on the use of the 'work value' approach to pay determination, because it is an approach which tends to place a heavy emphasis on acquired skills. Again, broad occupational differences are reflected in the now customary divergence in national wage cases between the predominantly manual ACTU, seeking a flat rate increase, and the white-collar inter-union bodies seeking an increase in percentage terms which are more favourable to the higher-paid. Conflict arising from sectional interests in employment conditions is a recurring feature of Australian unionism. Shrewd employers on occasion have been able to exploit it in order to breach a union coalition, and avert or end strike action, by making concessions which favour members of one or some unions more than others.

The main forms of industrial tactics are arbitration, peaceable negotiation with employers and, finally, some variant of the strike weapon used in support of claims concerning pay or working conditions. Conflict on the issue tends to be sharpest in the case of strikes which affect unionists, otherwise uninvolved, by causing them to be laid-off from their jobs. The pressures to which the leaders of a striking union can be subject from other officials, in these circumstances, are often intense and usually applied behind the scenes; but public complaints and even threats of retaliation are not unusual. Apart from this kind of situation, disagreements about the appropriateness of using the strike weapon in particular cases are frequent, not only among the leaders of different unions but also among the officials and members of a single union. Political outlooks are often important in this connexion, although not as uniformly as is sometimes assumed (see Chapter 7). They are also important in disputes about accepting strike embargos attached to employers' concessions, and in relation to the wider issue of co-ordinated interunion strike action in support of key arbitration claims.

Political policy, broadly speaking, comprises matters of government concern that are non-industrial in the sense that
they are not directly related to the central industrial interests of unions and their members. Pollution, education, urban re-development and nuclear tests are examples. Political policy can be divisive for two reasons. In the first place, because it raises the question of whether unions are legitimately concerned with such matters - although, generally, union leaders accept that in some sense political policy is union business, the outspoken opponents of this proposition being found mainly among the officials of whitecollar unions. However, the second question raised by political policy is more fertile as a source of interunion conflict. This is the obvious question of the position to be adopted (especially by interunion bodies) on specific political issues. In the case of both questions, differences of political outlook or ideological position appear to be more consistently crucial as motivating influences than in the case of any other type of issue except political tactics.

The conventional means by which union leaders may try to influence governments, either through direct submissions or by using their special relationship with the ALP, fall under the heading of political tactics. So, too, does the strike weapon when employed to put pressure on government in relation to a political policy matter: this is the characteristic of the political strike. Both conventional tactics are in some measure divisive. Direct dealings with non-Labor governments tend to be opposed by the ideologists of the extreme left, who prefer to have no dealings with the 'class enemy', and also by those union leaders most strongly attached to the ALP, which they do not like seeing by-passed even in opposition. Affiliation to the ALP, on the other hand, finds its strongest opponents among those on the extreme right of the ideological spectrum; but the opposition is more widespread and less clearly identified with a specific outlook among whitecollar unionists. As a source of open conflict, however, the political strike is much the most sensitive issue. Again, differences of political outlook are of primary importance, support for such strikes being strongest on the left and opposition most heated on the right.

The scale of conflict over the control of union bodies (both individual unions and interunion organizations) is not to be
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measured merely by the frequency with which it erupts in newspaper headlines. In the case of the ACTU, the metropolitan labor councils and the state branches of the ALP, such conflict is virtually endemic. It often exacerbates, or is exacer­bated by, divisions on other types of issues. Factional fighting within some individual unions displays a similar continuity and level of intensity, features that seem to be characteristic of power struggles in which differences of political outlook loom large. Certainly, where such differences are prominent in the case of intra-union conflicts, the out-faction is more likely to draw financial, organizational and moral support from other unions and from outside political groupings. Where they are not promi­nent, factional warfare tends to surge and subside, possibly because the sustaining power of interests alone is slighter. At the same time, it is easy to exaggerate the importance of political outlooks in this context. Ideological differences, usually stated in terms of major policy issues, are often represented by warring factions as the only things that divide them. But personal ambitions to hold, acquire or regain union office and its rewards undoubtedly account for much of the fire in struggles for control of union bodies. Moreover, ideological affinities, if less than identical, can breed personal hatreds as virulent as those generated by outright ideological antagonism. Hence the sometimes suicidal battles between Communist sects in particular unions, and the occasional readiness of some to make common cause with erstwhile political enemies against erstwhile comrades in manoeuvres within interunion organizations (see Chapter 8).

Common Interests

A basic distinction, in the trade union context, between extreme left and extreme right is found in differing conceptions of the nature and purpose of unions. For the extreme left, unions are pre-eminently political institutions. They are vehicles of social protest and there can be no limit to their legitimate concerns. For the extreme right also, unions are political institutions. But only because the left makes them so by seeking to convert them
into revolutionary instruments. Properly speaking, it is thought on the right, unions are limited-purpose associations concerned largely, if not wholly, with the industrial matters related to their members’ pay and working conditions; any attention to non-industrial matters should be given sparingly and with caution.

To talk of the extreme left and right in the unions is to talk in terms of limiting cases and minority groups. The attitudes of most Australian union officials and activists are located along the spectrum between these two ideological extremes. But the important point is that, in the case of officials and activists, the weight of numbers falls further towards the left of the political spectrum than in the case of either Australians in general or, almost certainly, the non-active members who comprise the great mass of unionists.

There is thus something like a natural left-wing majority, in terms of broad attitudes, at the controlling level of Australian trade unionism (see Chapter 5). In other words, union officials and activists, both manual and whitecollar, tend to be more receptive than either Australians at large or their own general memberships to ideas that are commonly thought of as radical or left-wing. This means that unionists on the extreme left, although also frustrated by the doubts, inertia and outright opposition they continually encounter among those to their right, are frequently able to initiate or promote activities associated with their conception of trade union purpose which, if not always warmly supported, are at least not openly opposed by the bulk of their union colleagues. The recent actions by a few union leaders on a wide range of environmental issues are examples. Quite often, too, left-favoured policy extensions obtain substantial formal support among officials and activists in general. The enthusiasm they actually engender tends to be least when action, as distinct from declaration, is required. A case in point is the general enthusiasm for anti-apartheid resolutions and the spotty response to the ACTU’s call for bans on the touring South African rugby team in 1971. But there are occasional exceptions, such as the unusually widespread response to the ACTU’s call for bans in protest against the French nuclear tests of 1973.
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Those on the extreme right thus appear to be fighting an uphill battle, in so far as they are trying to convert the majority of officials and activists to a narrower conception of union purpose. There is, however, a sense in which the battle has long been won – if not on terms that the right could accept as ending the war. This is reflected in the fact that, despite the deep and varied lines of conflict criss-crossing the face of Australian unionism, officials and activists consistently display unanimity or near-unanimity on a limited range of issues. These issues are precisely the industrial issues involved in proposals for direct benefits of the pay-hours-holidays type, when these are embodied in claims that are general in the sense that their realization is seen as suiting the interests of unionists at large in more or less equal measure.

This unanimity stems from one thing that every Australian union leader worth his salt as a survivor knows in his bones: that his members, overwhelmingly, see the primary purpose of their union as being the protection and improvement of their pay and working conditions. In other words, they view unions in predominantly instrumentalist terms, as agencies for achieving limited and immediate industrial aims above all else. To this extent their conception of union purpose accords with that of the extreme right wing – but with the crucial difference that they do not share the conviction that unions ought to be cleansed of Communist influences in order to fulfil their industrial purpose in a socially responsible way. The test to be applied to a Communist, as to any other, leadership in these circumstances is whether it is seen as at least trying to improve pay and conditions.

For the general run of trade unionists, pay and conditions are thus the gut issue. Many of their officials believe that there are other things of wider and more lasting importance which deserve greater attention from the unions. However, the element of democratic accountability, uncertain as it may be in many respects, ensures that such officials, for the most part, do not publicly act on that belief. Instead, irrespective of political persuasion, they almost invariably place the greatest emphasis on pay and conditions in their public doings and reports to
members. This is the one thing that virtually all of them have in common. It is also the one respect in which responsiveness to rank and file memberships is both pronounced and almost uniform. The methods of action employed by the unions, and above all their continuing and widespread reliance on arbitration tribunals, are indicative of this emphasis.
Chapter 7

Methods of Action: What Unions Do

There are four distinctively different ways in which Australian trade unions go about trying to achieve their aims. Three, with familiar names, are arbitration, collective bargaining and political action. The fourth method of action may be termed 'selective benefits'; it stands apart from the others because it is the only one which has no bearing on the settlement of pay and working conditions. This method is the first dealt with below. The discussion of arbitration, collective bargaining and political action is followed by a consideration of factors influencing union choices in this respect.

Selective Benefits

As a method of action, selective benefits involves the provision of benefits which are selective (or personal) in the sense that, unlike pay or conditions benefits in awards and agreements, they do not flow automatically to union members – although normally available at least to all financial members who signify a wish to take advantage of them. Historically, the main forms of selective benefit have depended on the insurance principle. Most nineteenth-century Australian unions provided cheap insurance facilities covering one or more of such eventualities as accident, sickness, death, unemployment, 'distress' in general and, occasionally, loss of tools of trade, dismissal for union activity, legal assistance, superannuation and shipwreck. Subsequently, there was a pronounced decline in the prevalence of such arrangements largely, it seems, because most of the contingencies involved came to be covered in one way or another from the resources of governments and employers. Since the mid-1950s, however, there has been a revival of interest in them even though
the most comprehensive of the traditional schemes, operated by the former Amalgamated Engineering Union (now part of the AMWU), closed its books to new entrants as late as 1965. This revival has been marked by the creation of new insurance-type schemes in addition to those surviving from the earlier period.

The specific contingency most commonly covered by current schemes is the expense of dying. ‘Mortality’ or ‘mortuary’ benefits, as they are often called, are lump sums payable to the next of kin of deceased members, and sometimes to members in the case of deceased wives, to help with funeral expenses. Accident and/or sickness, as specified contingencies, are a close second in popularity. In some unions, general ‘distress’ schemes cover all these particular eventualities, along with others such as unemployment. The benefits offered are usually payable in the form of either a lump sum or a small weekly payment (for a limited period) in the case of sickness and accident, although there are a few unions which operate regular medical benefit schemes. Benefits in most cases are payable only to those members of a union who choose to subscribe to the relevant scheme. But sometimes, chiefly in relation to funeral benefit, membership is effectively compulsory as the scheme is financed either by putting aside a fixed proportion of the union’s revenue from ordinary subscriptions or by imposing a special levy (officially referred to as the ‘Death Levy’ in one union). Apart from these formal insurance-type schemes, many unions make ad hoc payments to distressed members from their general funds; some join with others in the same establishment to run a joint distress fund financed by voluntary donations; in general, union officials, if not the union officially, are often involved in organizing more or less local appeals among the rank and file to help particular members or their dependents. The formal schemes appear to be much more common among manual than among whitecollar unions.

There are, in addition, a great variety of selective benefits of a non-insurance type provided by individual unions. A number, for example, offer members and their dependents social, recreational or cultural facilities ranging from ballet classes and sports clubs to picnics and annual balls. Whitecollar unions show more
ambition, financially speaking, in their greater readiness to establish their own social clubs; but none equals the variety of facilities offered by the Waterside Workers’ Federation. Some manual unions make special efforts in this respect for retired members. Of much wider importance, however, are other forms of selective benefit which may be grouped into two categories: industrial services and financial services.

Industrial services include giving information and guidance about job opportunities and vacancies.* This receives particular attention from manual and white-collar unions whose members tend to be employed on a casual basis; but it is also emphasized by at least two catering wholly or partly for professional employees. Of much wider concern are industrial services entailing the provision of free legal advice and representation. A number of unions give such help to members who are the subject of civil or criminal actions, or involved in official inquiries, arising out of their employment. Some concerned with public authorities do the same in relation to appeals against appointments, promotions or disciplinary measures. Others, and particularly those concerned with small employers or highly mobile employees, often take legal action on behalf of members alleged to have received less than their award entitlement in relation to pay, sick leave, holidays or long-service leave. But the most widespread form of legal aid, and easily the most important in both human and financial terms, relates to compensation claims for sickness, injury or death arising from employment. Unions customarily arrange for legal advice to be given to the member affected, or his next of kin, on whether action should be taken under workers’ compensation legislation or for damages at common law; and if the advice is accepted, they arrange the members’ legal representation and usually accept liability for the costs in the event of the case being lost. One other type of industrial service, which is related in terms of subject-matter but not form, is provided by the Trade Union Clinic and Research Centre operated under

* Strike pay (see Chapter 4) seems better regarded less as a selective benefit, under the industrial services heading, than as an adjunct to the strike weapon and, hence, incidental to the method of collective bargaining.
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the auspices of the Victorian branch of the Australasian Meat Industry Employees' Union. An imaginative and, for Australia, unique union enterprise, it is concerned mainly with the treatment of industrial injuries and sicknesses and research into occupational health and safety.

Financial services have developed most dramatically since the mid-1950s. Two types of selective benefit have played the major part in this. The most widespread is the discount scheme, usually in the form of an arrangement between a union and one or more retailers for discounts to be given on production of a current union membership ticket. The second type is the credit scheme. The focal point of expansion in this area has been the credit union established by an individual trade union whose members alone are eligible to secure small loans from it at relatively low rates of interest. To a lesser but growing extent, trade unions have also moved into the field of housing loans by establishing, either individually or jointly with one or more other unions, building societies open only to their members. Both discount and credit schemes have strikingly increased in popularity among manual unions, but seem to have developed even faster on the whitecollar side — although a number of manual, and one or two whitecollar, unions make small loans (as distinct from grants) to financially embarrassed members from general funds. Both manual and whitecollar unions, but not many of them, provide a few educational bursaries which are usually small and offered on a competitive basis; manual union bursaries are limited to secondary schooling and the children of union members, while whitecollar bursaries extend to tertiary education or research and to members themselves. Cheap overseas holiday travel is arranged on a group basis by some whitecollar unions; individual manual unions' involvement with holidays has been limited to the provision of cheap accommodation at local resorts. A Melbourne hotel, recently purchased by one manual union, appears to be simply an investment and not a means of providing selective benefits for the union's members.

The resurgence in the use of selective benefits as a method of action has been evident even among unions with traditionally
militant leaderships who might otherwise have been expected to dismiss such facilities, with the exception of industrial services, as compromising fripperies. All unions, of course, provide industrial services in some measure. The important point is that a great many with full-time establishments, and others without, now either provide non-industrial benefits they once ignored altogether or offer their members a greater range of such benefits than before. This expansion is evident also in the activities of interunion bodies (see Chapter 8), although it started earlier and has so far had much the more impressive results at the level of individual unions. It also seems more certain to have a lasting impact at this level, if only because the organizational incentives are greater. In the case of individual unions, selective benefits may not only operate as a recruiting device by attracting non-unionists into membership, but they help to ensure prompt payment of membership subscriptions because access to them is usually conditional on good financial standing.

Arbitration

Generations of union officials and activists have made statements and carried motions charging arbitration and arbitrators with being too legalistic, too costly, time-wasting, short-sighted, unfair and anti-union. Such charges have often been accompanied by the suggestion that the unions would be better off without arbitration tribunals: if they were left, that is, to deal with employers face-to-face. Less frequently, but often enough, there have been express threats to abandon arbitration if a better deal is not forthcoming.

This is heady stuff. It may sometimes have achieved what some officials have been really after, such as influencing the policies of arbitrators or politicians, or pacifying their own rank and file. However, it has not been of much significance as far as union action is concerned. In particular, as we have seen in Chapter 2, unions have shown themselves singularly reluctant to move away from arbitration.

For a great many Australian trade unions, in fact, the presumed
alternative to arbitration – collective bargaining – is not a real alternative because they lack the industrial strength required to take full advantage of it. They depend (or, equally important, their leaders feel they depend) wholly or largely on arbitration for the achievement of their industrial aims. It is their members, above all, who have benefited most from arbitration, and specifically its 'levelling-up' effect in relation to the pay and working conditions of industrially weak employees. Most of them, no doubt, could survive without arbitration; but it would be, or their leaders fear it would be, at a much lower level of attainment. Thus there can be no question, for them, of abandoning the system or seeking to have it dismantled. The only unions whose leaders could seriously contemplate doing so are those with substantial industrial resources. There are a number of reasons, also relevant to their less richly endowed colleagues, why these unions should be reluctant to act. Some reasons, including the legal advantages incidental to registration under arbitration and the protection given against competing unions, have already been mentioned (Chapter 2); but there are others as well.

Arbitration has personal implications which are highly valued. Once an arbitrator has taken hold of a dispute, union officials (along with the leaders of governments and of employers' associations) have someone to blame if the settlement turns out to be unpopular with their constituents. As well as furnishing them with a scapegoat, arbitration provides union officials with a career and a sense of accomplishment. Many have a professional stake in the system because they have acquired, through long experience of its intricacies, skills and knowledge which are highly specialized and of relatively little utility apart from the system. Linked to this is the attachment to arbitration that officials and, in some measure, rank and file unionists tend to have simply because they are accustomed to its face. There is an obvious sense of security to be derived from familiar and largely predictable procedures, especially when they throw the responsibility for critical decisions on to another's shoulders.

Arbitration also has important implications for trade union action. Renouncing it would mean renouncing a tactical advantage which it confers on strong and weak unions alike. That
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advantage is the ease and speed with which a gain in pay or conditions won for one group of employees can, through arbitration, be spread to other groups. This 'flow-on' process, a product of Australian arbitrators' general preference for maintaining established 'relativities' in pay and conditions, seems to work much faster and more smoothly than in countries without a comparable system. Arbitration is thus a major means by which innovations initially fought through in one sector of the employed work force may be transmitted to other sectors. A second tactical advantage arises from the fact that registration under an industrial tribunal does not in practice prevent a determined union from taking strike action, but it means that if the strike 'goes bad' then arbitration is often available as an alternative means of settling the issue which may well yield more than could otherwise have been salvaged. This helps to explain the numberless 'dead' strikes that militant unions have dumped on arbitrators' doorsteps. It also points to one of the ways in which the method of arbitration is inextricably intermeshed, in Australia, with the method of collective bargaining.

Collective Bargaining

It is fashionable in some quarters to define collective bargaining, approvingly, in terms of direct discussion between unions and employers ('meeting of minds' is one phrase often used). Direct negotiation is certainly a major element - although the inevitability of an agreed settlement does not follow. But there is more than this to collective bargaining, as its opponents suggest when they talk of it in terms of strike and lockout ('law of the jungle' is the customary pejorative phrase). It is the possibility of such sanctions that defines the outer edges of collective bargaining and, in the end, makes it precisely a bargaining process.

The traditional non-union view of the relationship between arbitration and collective bargaining, defined by the strike, is that they are mutually exclusive methods of action. This view represents the general tenor of arbitration legislation and the formal policy of industrial tribunals. It is reflected in the various
statutory strike penalties (see Chapter 2), and in the frequent refusal of arbitrators to continue award proceedings or to hand down a decision so long as a related strike is in progress.

Trade union leaders in general reject the traditional view. They see collective bargaining as supplementary to arbitration, rather than an alternative to it. One version of this position has received a sympathetic hearing from at least some arbitrators. It starts from the assumption that arbitration is concerned with setting minimum, not maximum, standards; it ends with the proposition that standards above the minimum ('over-award' conditions) are a matter for collective bargaining. As a logical exercise, however, this line of reasoning rules out strike action, and implicitly accepts strike penalties, at least in relation to the minimum standards with which arbitration is concerned. Most union leaders, on the other hand, are properly concerned less with logic than with the interests they represent. What they claim, therefore, is the right to strike irrespective of issue.

The most accessible indicator of the use Australian trade unions make of the method of collective bargaining is the prevalence of strikes. Australia is high on the international league ladder in this respect. Most strike activity tends to be confined to relatively few industries (mining, stevedoring, metal, food, land transport and building being the most consistently prominent) and relatively few unions. Other unions make at least occasional use of the weapon, and their ranks have been significantly enlarged in recent years. Almost without exception, these unions are registered under arbitration tribunals purporting to provide an alternative means of settling industrial disputes. They have used the strike despite legislative prohibitions and 'bans clauses' in awards. And since the moratorium on penalties which followed the O'Shea strike of 1969, employers in general have been markedly more ready to negotiate collective bargaining agreements instead of insisting that everything go to arbitration.

The supplementary role which union officials claim for collective bargaining, in relation to arbitration, is often conceded in practice by arbitrators whose official attitude is quite different. Their readiness to convert privately negotiated agree-
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ments into 'consent' awards, with the full legal force and effect of ordinary awards, is such a concession. Another is their quite frequent, but by no means invariable, acceptance that conditions established earlier or elsewhere by way of collective bargaining may properly be incorporated in awards or, at least, taken into account in relevant decisions. In this case the 'transmission-belt' quality of arbitration, mentioned earlier, provides strong unions with a relatively painless and swift means of spreading sectional collective bargaining gains to the rest of their membership. Equally important, it provides industrially weak unions with the opportunity of cashing in quickly on the collective bargaining gains of their more muscular colleagues.

The inter-penetration of arbitration and collective bargaining is seen also in the many strikes which unions have launched with the intention of either protesting against an arbitration decision or trying to influence a forthcoming decision. There is circumstantial evidence to suggest that actual or threatened strike action has sometimes been effective in this respect - the sequel to the metal trades work value decision of 1967 being perhaps the most dramatic example of recent times (see Chapter 1). The strike, moreover, is commonly used with the aim of securing an arbitration hearing earlier than would otherwise be the case, or of persuading an arbitrator that he should put pressure on employers reluctant to negotiate. The belief that arbitrators are often susceptible to collective bargaining tactics is widespread among union officials, some of whom make no bones about their unhappiness with what they allege to be the tendency of tribunals to 'pander' to the more militant unions.

Political Action

Trade union political action takes two forms: one may be described as 'direct', the other as 'party-political'. Party-political action depends on the special connexion between many trade unions and the ALP, and involves the exploitation of that connexion in order to secure concessions from Labor govern-
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ments. Direct political action, on the other hand, depends on the absence of any special party connexion. It involves dealing directly with government in circumstances which give the unions no special party-political advantage over other pressure groups. This definition limits direct political action largely to dealings with non-Labor governments. For even when they deal directly with Labor governments (rather than, say, through the ALP machine), the unions' special relationship with the party tends to give their representations a special character lacking in the case of non-Labor governments. This is also likely to be true in some measure even when unions not affiliated to the ALP are concerned, partly because of the complex associations between unions, their officials and the various interunion bodies, and partly because some party leaders are eager to win over unaffiliated whitecollar unions in particular.

Direct political action is the less complicated of the two. Dealings between union leaders and non-Labor governments, both federal and state, are quite common. Contact is more frequent at the level of the public servant than at that of the cabinet minister. As a rule, however, prominent union leaders have little difficulty in seeing non-Labor ministers when they want to. Ministers themselves occasionally seek consultation on their own initiative. For the most part, such dealings are irregular and prompted by the emergence of particular issues of common concern. But non-Labor governments have also appointed union leaders to formal advisory bodies and administrative positions of various kinds – although they have been known to refuse the re-appointment of unionists originally sponsored by Labor governments. On their side, some unions have taken part in political strikes against non-Labor governments. These are usually token protest stoppages and involve little or no negotiation with government representatives.

Political strikes almost invariably have no perceptible effect on the character of non-Labor policies. As for consultation, whether ad hoc or through standing advisory or administrative bodies, non-Labor governments do not openly concede much so far as major policy is concerned. At the same time, concessions sometimes flow from such dealings; although they relate almost
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always to matters of legislative and administrative detail, they are still valued by union leaders. Moreover, direct political action, if normally much less than spectacular in its results, at least has the merit of being available and offering the prospect of some gain at the political level when party-political action, by definition, is unavailable.

When it is available, party-political action has greater promise, and union leaders have much greater hopes of it. In the event, their hopes are invariably disappointed in some degree. Labor governments are never as consistently responsive as union leaders would like them to be, as unionists at large expect them to be, and as Labor’s opponents allege they in fact are. The assumption that Labor governments are totally responsive to the trade unions depends on three propositions: first, that the trade unions dominate the ALP; second, that there is a single ‘union policy’ on all issues in which unions and Labor governments are assumed to have a mutual interest; and, third, that Labor ministers are totally subservient to the party machine. None of these propositions is valid.

The proposition that ‘the’ trade unions control the ALP draws its plausibility from the fact that representatives of the affiliated unions, as distinct from the party’s parliamentary and ordinary branch membership, usually constitute a numerical majority on the party’s principal organs (see Chapter 3). Union domination would clearly follow if divisions within the party could be both accurately and consistently described in terms of conflict between the unions and the rest, or, as it is usually put, between the party’s industrial and political wings. However, lines of division are almost invariably more complicated than this, with an alliance consisting of some union leaders, parliamentarians and branch members confronting an alliance of other unionists, politicians and branch members. It is certainly true that no grouping can hope to dominate the party, or one of its state branches, without substantial support among affiliated unions; and this means that any group in a controlling position invariably contains some union leaders who play a more or less influential role depending on their calibre and resources. But the critical point is that the affiliated unions as such do not control
the party because they do not normally operate as a single cohesive group, either federally or within state branches.

The proposition about a single union policy is impaired, as the preceding point implies, by the fact that the trade unions have no common or agreed policy on most of the issues with which a Labor government has to deal. Some issues, of course, are of little interest to them; and in the case of those that are of interest, union leaders have often either not reached the point of trying to formulate a policy of their own or are more or less severely divided in their preferences. In each case, it is an open question as to what a Labor government would have to do in order to comply with union wishes. Otherwise, union conferences and interunion gatherings commonly endorse Labor government decisions after the event, and sometimes protest them, usually without effect.

As for the proposition about the subservience of ministers, there is no question that Labor politicians holding government office tend to display much greater independence of both unions and party machine than they do as members of the opposition. Indeed, union leaders have quite often found Labor ministers more difficult to deal with than their non-Labor counterparts. Former union officials have been among the worst offenders. As ministers, some of them feel they already know what the unions want and how unionists feel, and do not need to consult existing union officials in order to find out these things. They are also inclined to be less tolerant than their non-Labor counterparts of union bargaining gambits, expecting to be regarded as insiders rather than outsiders from the union viewpoint. More seriously, they and their colleagues sometimes import, into the wider sphere of union-government relations, attitudes which reflect policy differences or personal antipathies originating in the internal politics of the trade unions or the party. There is also the suspicion that the unlikelihood of a Labor government losing general union support may occasionally encourage ministers to place more weight on the competing claims of less dependable pressure groups. All in all, it sometimes seems that the trade unions’ relationship with Labor governments is distinguished less by the responsiveness of such
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governments than by the constraints they tend to impose on union action (see Chapter 9).

The picture, however, has another side in the shape of certain limited but highly significant exceptions to the generalizations outlined above. There are some occasions on which the affiliated unions at once speak with virtually a single voice on policy, effectively dominate the party machine and are able to place Labor ministers under exceptionally heavy pressure. What is almost invariably involved on such occasions are those items of industrial policy which relate directly to pay or working conditions and are raised in the form of claims for immediate benefits of general application. These are the items that tend most readily to override ideological divisions and clashing industrial and personal interests among the affiliated unions, and to engender the most uniformly enthusiastic support among unionists. They are, accordingly, the items on which Labor ministers are normally subject to the most intense and consistent pressure from within the ALP machine. They are also the items on which those ministers have responded most consistently to pressure from that particular source. The results are seen in the industrial legislation and administration of Labor governments which, from the unions’ standpoint, are on the record as being strikingly superior to those of non-Labor governments.

Choice and Ideology

The fact that there is a variety of methods of action raises the issue of choice – which method to emphasize, which to rely on at a particular point in time. The mainsprings of union action, as we have seen in Chapter 6, are interests and ideologies or political outlooks. It is often assumed that when it comes to selecting methods of action, the more influential role is consistently played by ideological convictions in the form of the political outlooks of union leaders.

The most common expression of this assumption is the belief that all Communist officials go out of their way to foment strikes. Certainly, this ought to be the case if the emphasis
generally placed by their theoreticians on the intrinsic value of strikes is taken to its logical conclusion. Yet, when it comes to the pinch, Communist officials are far from being uniformly eager to lead their unions into battle. While some clearly have been firebrands, charging at the slightest excuse, others have shown great caution and, sometimes, timidity. Indeed, the Communist splits of the last few years partly reflect differences on the score of industrial militancy (see Chapter 1); and before this there was a long history of friction on the same issue between the old CPA’s non-union leaders, impatient for action, and less adventurous Communist union officials.

Similar qualifications apply at the other end of the political spectrum. Extreme right-wing officials are commonly thought of as resolutely opposed to strike action. Some of them may well be so, but many have led strikes or at least countenanced them. A number are often involved in this way; and some of them have pursued, or claim to have done so, more active strike policies than Communist predecessors in their union.

The range of performance is equally diverse in the case of the bulk of union officials located between these ideological extremes. Strike policy is a frequent source of tension between them and the parliamentary leadership of the ALP, with which many of them are associated. But it is the party leaders (in contrast with the CPA case) who lean to caution in the belief that strikes are electorally more damaging to the ALP than to the non-Labor parties, irrespective of which is in government.

The connexion between the political outlooks of union leaders and the strike policies they adopt thus appears to be more a matter of tendency than of certainty. About unionists at the extremes, for example, the most that can be said is that Communist officials tend to opt for strike action more readily than do officials associated with the DLP/NCC grouping – although in the case of political strikes the distinction is sharper and the reactions on each side more readily predictable. But the point remains that the political beliefs of union leaders, for all their undoubted importance, are not the only factor determining the use unions make of the strike weapon.

Allegations of a strict connexion between Communist officials,
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and strike-proneness, or between right-wing officials and industrial pacifism, assume that particular union leaders control their unions in the complete sense. Sometimes they may, but more often such control as they have is subject to severe qualifications arising from such things as personal and political differences among co-officials and allied activists, the existence and strength of out-factions and the character of the rank and file membership, particularly in relation to the issue of militancy (see Chapters 5 and 9). Factors of this kind add to the uncertainty of the connexion between the political outlooks of union leaders and the use of the strike by their unions. By the same token, while it is true that Communists have been especially prominent among the officials of unions in the most strike-prone industries, it is also true that the Communist effort in the unions since the 1930s has been concentrated on these industries precisely because of their traditional restiveness.

The link is no clearer between political outlook and the other three methods of union action: arbitration, political action and selective benefits. Again, the point may be illustrated by the contrast between the broad theoretical standpoint of Communist union leaders and the policies of their unions. Arbitration, for example, is seen as both part of the repressive apparatus of the capitalist state and an institution that diverts to itself the attention which trade unionists should be paying to their historic enemies: and yet no Communist-led union has seriously tried to get or remain outside the arbitration umbrella. For their part, the ALP and Labor governments are seen as reformist diversionaries, and concession-granting non-Labor governments as cunning manipulators: but Communist-led unions have negotiated with non-Labor governments, maintained affiliation with the ALP and publicly expressed support for Labor governments and for many of their policies. Finally, from a Marxist viewpoint, selective benefit schemes are ameliorative devices which can only sap the militant spirit of unionists: yet established schemes have been maintained in Communist-led unions, and new ones introduced.

It is usually necessary, in other words, to look beyond the political preconceptions of individual leaders in explaining the
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choice of methods made at a specific time by a specific union or interunion body. This is not to say that such preconceptions are irrelevant. It is simply to suggest that their influence on union behaviour appears frequently to be either modified or overridden by considerations of a more pragmatic and interest-oriented character.

Calculations and Combinations

There are three practical considerations of general importance when it comes to choosing among the methods of action open to trade unions. The nature of the aim or the issue at stake is the first. A method may be more or less relevant to the achievement of a particular aim. Arbitration, for example, is relevant to the aim of increasing pay-rates but not to that of amending the legislation from which an arbitration tribunal draws its power.

The second consideration is the availability of particular methods, in the sense of the ability of a union to use them at all. Thus arbitration is available to virtually all Australian unions in one form or another. But collective bargaining, in so far as it involves resort to the strike weapon, is to many of them either unavailable as a practical possibility or available only in special circumstances.

In the third place, if more than one method relevant to the issue at stake is available, there is the consideration of the likely effectiveness of each method. This is not usually an easy calculation, but it is one that is continually being made. In making it, union leaders are usually sensitive to the subsidiary question of the risks which different methods entail – a matter of particular importance in the case of collective bargaining and the strike weapon which, in the event of failure, tend to pose a more serious threat to the authority of union officials than other methods. The singular attraction of arbitration (with its readily available procedures and built-in scapegoat) is precisely the low risk involved in terms of factional advantage in the internal politics of unions.

The choices open to trade unions are not limited to the selection of only one method of action in relation to each particular
aim or issue. It is commonplace for unions, especially when acting on a collective basis, to employ a combination of methods in pursuit of the one aim. Sometimes this is an outcome of the failure of an initial probe by way of one method; another is then tried. At other times it is a matter of using one or more methods to reinforce the effects of another or to supplement its successful use. On the issue of long-service leave, for example, the unions made the initial breakthrough by way of political action at the state level, sought to spread the concession through arbitration but were rebuffed; and since then have relied wholly on political action and resisted, not altogether successfully, employers' attempts to draw the issue into arbitration. Again, in the case of three weeks annual leave, political action provided the breakthrough and the unions' first attempt to extend it through arbitration failed; they shifted the emphasis to collective bargaining, making substantial gains in this way before moving back to arbitration and, this time, winning their point. Similarly, the unions have utilized arbitration, political action and collective bargaining in their campaign for the thirty-five hour working week, although only collective bargaining had yielded some result by the end of 1973. The method of selective benefits (specifically financial services) has been given increasing emphasis as a means of supplementing more traditional methods of action on pay issues.

In these circumstances, it is not easy to settle on one method as being consistently of greater importance to the unions than others. Arbitration seems the most obvious candidate because it is employed so widely – both in its own right and as an adjunct to collective bargaining. But its relative importance fades if innovation in pay and working conditions, rather than use, is the criterion. Not that arbitration is altogether lacking in this respect: the role of the New South Wales Industrial Commission in initiating the policy of normal pay for industrial accident victims while off work, one of the major social security advances of recent times, is enough to illustrate this. Nevertheless, most breakthroughs are the result of either political action or collective bargaining. Above all, political action, reflected particularly in the legislation of state Labor governments, has paid off for the
unions more handsomely than any other method when it comes to strategic innovatory gains of the hours and leave type. Collective bargaining breakthroughs relate primarily to tactical gains, chiefly on pay issues, but are sometimes of longer-term significance as in the case of the 35-hour week and annual leave pay loadings.

In all this, the method of selective benefits is not quite the Cinderella it appears. Certainly, it does not loom large in terms of either of the criteria mentioned above. It gains immensely, however, if importance is assessed in terms of specific viewpoints. To a badly injured worker and his family, for example, the financial and legal help forthcoming from his union at a time of great need is likely to be of overwhelming importance. The pains to which many unions go in publicizing selective benefits, and especially workers' compensation payments gained for members, give some indication of the value which rank and file unionists attach to this method of action.
Co-operation, like conflict, is a perennial feature of interunion relations. But unlike conflict, co-operation is given tangible form in the shape of interunion organizations which in some measure co-ordinate the activities of their constituents. These bodies differ widely in the type of policy issues and the methods of action with which they concern themselves. They also differ in the authority they have among their constituents. But perhaps their most remarkable feature is their survival in the face of the divisive forces at work within Australian trade unionism.

Range of Concerns

Interunion workplace committees have a comparatively restricted range of concern. Officially, they are normally confined to handling local grievances and maintaining union membership. In practice, they often take part as well in negotiations with management about broader issues, especially over-award conditions, and they frequently initiate strike action.

Industry groups tend to be less exclusively concerned with collective bargaining. Historically, they have strong associations with strike-prone industries, and collective bargaining is still of primary importance in the case of some manual groups. But most manual and all whitecollar groups share a concern with arbitration, aiming to co-ordinate action before tribunals and in negotiations conducted within their shadow. Most groups are also concerned with political action in that they are ready, when the occasion demands, to approach governments on matters of special interest to their industry. On wider political issues, however, they usually give way to more broadly based interunion bodies – with the notable exception of the CAGEO, an
industry group that has become accustomed to operating at the level of a national union centre (see Chapters 1 and 3).

The Council of Professional Associations, on the other hand, is the one national centre which confines itself strictly to the industrial concerns of those it represents. It plays a part in arbitration proceedings, but only when its constituents are directly involved. It also enters into dealings with federal government representatives, but only in relation to public service issues. The other white-collar national centre, ACSPA, similarly devotes a great deal of attention to arbitration. It provides weaker affiliates with help in conducting their sectional claims, and plays an active role in major proceedings before the federal Arbitration Commission. In addition, ACSPA concerns itself with a great variety of non-industrial policy matters, and often makes representations on them to federal government and, through its state divisions, to state governments. ACSPA leaders, with those of the CAGEO, were also involved in extensive consultations with Labor parliamentarians in the months before the 1972 federal election, being afterwards rewarded with more substantial recognition from the new Labor government than they had been able to obtain from its non-Labor predecessors.

Neither of the white-collar national centres (nor the CAGEO) employs the methods of collective bargaining and selective benefits. Nor does the ALP. As an interunion body, of course, the ALP is highly specialized since it is concerned exclusively with the method of political action. In contrast, the ACTU and some of the labor councils are distinctive among Australian interunion organizations in that they are concerned with all four methods of trade union action.

The metropolitan labor councils, which double as the ACTU’s state branches, share with the provincial labor councils an emphasis on collective bargaining. Their rules require affiliated unions to inform them of impending or existing industrial disputes likely to affect the members of unions other than those directly involved; and a council’s disputes committee is usually regarded as the most important of its committees apart from the executive. Sometimes councils are involved from the start of the collective bargaining process and co-ordinate the
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union side in the fullest sense. Perhaps the most developed example of this is the leading role which the Barrier Industrial Council invariably plays in dealings with the mining companies at Broken Hill. More often, however, councils are brought into the process only after negotiations have broken down and a strike has begun — sometimes not until long after the strike has started, and occasionally only when it is on the point of collapse. As this suggests, the ability of councils actually to control affiliated unions involved in disputes is usually fairly limited. At the same time, their intervention is often important as a source of moral, and sometimes financial, support which adds weight to the unions’ claims; and this can provide a lever giving a council considerable influence over affiliated unions, if not outright control.

The other three methods of union action are of less uniform concern to labor councils. Provincial councils are very rarely involved in arbitration proceedings. But the metropolitan councils, in varying degree, play a part in arranging submissions to state industrial tribunals in key cases — although the Queensland council seems largely to have lost this function to its right-wing rival, the Combined Industrial Unions’ Committee (see Chapter 3). Even fewer councils, it appears, are directly concerned with selective benefits. The most notable provincial council is the Barrier Industrial Council which helps to run a sickness and hospital benefits fund, and finances a university scholarship scheme. Among the metropolitan councils, only two are deeply involved: that of Western Australia with insurance and housing loan schemes, and that of New South Wales by way of a funeral fund and a department which handles workers’ compensation cases on behalf of affiliated unions. In the case of political action, on the other hand, involvement is much more general. Provincial councils often pass resolutions on the larger issues of national and state policy, usually co-operate with the local ALP organizations in parliamentary election campaigns, and occasionally deal directly with governments on matters of regional concern. But their political activity tends to have a strong local orientation; and they usually take a close interest in local government politics and community affairs. Again, the
Barrier Industrial Council provides the extreme case, as illustrated by its sponsorship of a public amenities fund to finance improvements in parks and ovals, and by the role of its prices committee which acts as an unofficial but highly effective regulator of retail prices in Broken Hill. The metropolitan councils have a similar spectrum of political interests, with one significant difference in that the focus of their political activity is the relevant state government. Usually, they shoulder the major responsibility among the unions for dealing with state governments, whether Labor or non-Labor, on legislative and administrative matters of concern either to the unions at large or to a number of them. This responsibility is often extended to industrial negotiations with state government agencies on behalf of unions of their employees.

Apart from their concern with the four standard methods of action, labor councils also act in some measure as information centres in relation to their affiliated unions, and are often involved in attempts to settle demarcation and jurisdictional disputes among affiliates. Three of them, the metropolitan councils of Victoria and New South Wales and the Newcastle provincial council, are each profitably associated with the management of a local radio station—as is the Queensland branch of the ALP which also has an interest in a number of other enterprises.

The ACTU, similarly, acts as an information centre and takes part in the continuing struggle to resolve demarcation and jurisdictional differences. Since 1970 it has been associated also with the management of a commercial enterprise, the Melbourne cut-price retail store of Bourke's, though the profitability of the association has still to be revealed. Initial plans to open similar stores in other states had not been realized by the end of 1973. The ACTU-Bourke's store venture, like the labor council's radio stations and the union-owned hotel, does not fall under the heading of selective benefits because its clientele is not confined to trade unionists.

The ACTU's active interest in selective benefits is relatively new and, so far as it relates to financial services, dates from the election of R. J. Hawke as president. As originally canvassed,
the programme was to provide unionists with cheap financial facilities relating to tourism, insurance, housing and credit provision. By the end of 1973 only the first was under way with the formation that year, in association with private interests, of a company which offered 'package' holiday tours and planned the construction of a holiday village. In the same year, plans to provide cut-price insurance were suspended following disclosures about the private interests involved in the venture; and a scheme to build cheap housing suffered a similar setback owing to opposition from some building unions to the use of foreign capital. The matter of credit facilities seems to have lapsed altogether since 1972. On the other hand, a less heralded venture into the field of selective benefits has much more to show: this is the co-ordinating role which the ACTU has played, through its education officer, in connection with trade union education since 1970 (see Chapter 5).

The ACTU's concern with arbitration is as old as the ACTU itself. It has acquired a key role within the federal arbitration system, bearing primary responsibility for handling the union case in major hearings before the Arbitration Commission, as in national wage cases and on such issues as standard working hours, annual leave and equal pay. The ACTU's interstate executive has the final word on the precise form of the affiliated unions' claim, and its research officer usually formulates their case and acts as their leading advocate before the commission.

The ACTU's active concern with collective bargaining is not so longstanding, being largely a product of the years since the Second World War. ACTU officials regularly take part in the negotiation of a number of industrial agreements which are known as 'composite' agreements because they avoid, or have replaced, separate agreements between the employers concerned and each of several unions. The ACTU's role as co-ordinator in these cases was initially developed in relation to federal government departments and agencies, but it now extends to negotiations with some big private employers as well. Better known, however, is the ACTU's intervention in industrial disputes. It is constitutionally restricted to interstate disputes, disputes within a single state being the prerogative of the
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relevant metropolitan labor council. The involvement of the ACTU in negotiations arising from major strikes is now a common and, outside the unions, widely expected feature of the Australian industrial relations scene.

The ACTU's constitution lays down one of its functions as 'political action to secure . . . legislative implementation' of appropriate ACTU policies. It has discharged this function primarily by way of direct dealings with representatives of the federal government of the day. (Negotiations with state governments are the responsibility of the metropolitan labor councils.) Non-Labor federal governments since the war recognized the ACTU as the main trade union mouthpiece. This gave the ACTU leaders ready access to ministers and senior public servants, and usually a voice in discussions about the terms of proposed industrial legislation or about major industrial disputes. They were appointed to standing advisory bodies and were regularly invited to take part in the annual round of pre-budget meetings held between the Prime Minister and major interest groups since the early 1960s. At the same time, the ACTU leaders maintained fairly close links with the ALP. They expressed public support for the party and appealed for union contributions to its campaign funds. They were often involved in informal consultation with the ALP leaders, both inside and outside parliament, and there was also a formal link in the joint Commonwealth Labor Advisory Council. Following the formation of the first Whitlam ministry, consultation between the ACTU and the federal government appears to have become both more frequent and more informal than under the preceding non-Labor régimes - though not always better tempered or matching the expectations of ACTU leaders. The Labor government also provided the ACTU with a completely new forum (and its able but shamefully understaffed research section with what could well become an intolerable burden) by establishing the Prices Justification Tribunal.

The Question of Authority
The controlling authority of all interunion bodies is severely limited by the fact that their constituents are independent organizations with substantial resources of their own. Not all
interunion bodies are equally limited in this respect. There are marked differences among them. The ACTU and ACSPA provide an illuminating comparison.

On each of three counts, it appears that the ACTU carries more weight among its affiliated unions than ACSPA does among its unions. First, there is the way the two bodies reach decisions and the formal standing of those decisions. In ACSPA the emphasis is on consensus; and a decision, when made, is not regarded as formally binding member-unions. The ACTU, on the other hand, places the emphasis on rule by majority vote; and majority decisions, no less than unanimous decisions, are formally taken to be binding on affiliates. The contrast, in brief, is between an essentially consultative body (ACSPA) and a deliberative one (ACTU).

In the second place, there is the relative scope of the two national centres' concerns. As we have seen, the ACTU's are much the more extensive. But more to the point is the fact that, unlike ACSPA's, they include involvement specifically in collective bargaining negotiations, strikes, and in interunion disputes about demarcation and jurisdictional issues. These are all particularly notable matters of concern because they impinge on the interests and autonomy of affiliated unions at unusually sensitive points. The fact that the ACTU is allowed by its affiliates to deal with such matters is a significant indication of authority.

A third consideration is the relative prestige of the two centres, not only among their affiliates but also among prominent outsiders, since this is likely to influence affiliates' attitudes. Thus non-Labor federal governments for many years denied ACSPA the degree of consultative recognition they accorded the ACTU; and the Whitlam Labor government, while reducing the disparity to some extent, nevertheless continued to favour the ACTU. Again, the serious initiatives in connexion with closer ties between major whitecollar bodies and the ACTU have consistently come from ACSPA and its associates; and, time and again, they have tacitly acknowledged the ACTU's seniority by the manner of their approaches. Finally, there is the relative readiness of major unions to carry disagreements to the extreme
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of breaking away. In 1972 two key unions (the Federated Clerks' Union and the Association of Architects, Engineers, Surveyors and Draftsmen) disaffiliated from ACSPA for quite different reasons, and only the second had resumed affiliation by the end of 1973. In contrast, the ACTU, with a politically far more diverse array of affiliates, weathered serious threats of disaffiliation on the part of Communist-led unions, in the early fifties, and of right-wing unions in the early sixties.

There is little doubt that the ACTU's standing among its constituents has been for many years substantially greater than that of any other Australian interunion body, including its own state branches, the metropolitan labor councils. This is not to say that its authority is either complete or consistently upheld. It quite frequently happens that the rules or decisions of the ACTU are ignored by particular affiliated unions; and sometimes they are openly defied. In general, however, they are complied with, often in relation to sensitive issues.

The remarkable feature of this authority is that it has virtually nothing to do with constitutional provisions or formal sanctions. Of course, the ACTU has the power to expel member-unions, but in practice this is a sanction which is useless in the case of a major union and pointless in the case of a minor union. In other words, such authority as the ACTU has is a matter of influence rather than coercion. It is a product of compromise and judgements of what is expedient and what is not. It depends, in part, on personal relations between ACTU and union leaders, and in this the sources of patronage normally available to the ACTU's president (such as official trips and nomination for paid government appointments) have a role to play. It also depends partly on the nature and balance of personal, industrial and political alignments within and among the affiliated unions. The character and complexity of these factors alone mean that the exercise of the ACTU's authority is usually a delicate matter, and that its stability cannot be taken for granted.

Interunion Cohesion and Pace-setting Moderates

The most notable thing about interunion bodies is that they exist at all. They not only consist of organizations accustomed to
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independent action, but they operate against a backdrop of clashing interests and competing ideologies (see Chapter 6). In the face of this continuing swirl of conflict, the question is: what holds them together? And the more diverse the unions comprising an interunion body, the more acute this question becomes. Accordingly, the ACTU, as the most comprehensive of them, provides the key case.

The ACTU's affiliated unions are certainly not bound together by any agreement on overarching political ends and means. Paradoxically, however, their ideological fragmentation is such that it contributes substantially to both the coverage and the survival of the ACTU.

There is evident in the ACTU, as among the unions at large, a broad political spectrum ranging from an extreme left, identified with the Communist parties, to an extreme right identified with the DLP/NCC grouping. The union officials occupying positions at these extremes form the hard-core of the left wing and the right wing respectively. The weight of numbers falls between these two groups. Some of the middle majority are strongly committed for ideological reasons to one or the other core group, and are consistently associated with it. But many, probably most, are not firmly committed to either. These officials are moderate in the sense that while their political outlook might incline them towards one core group, they have little difficulty in associating with the other (either temporarily or in the longer term) if they consider their personal and/or organizational interests on specific issues are better served by doing so.

The moderate officials do not constitute a cohesive grouping. In this they differ radically from those in the two core groups, as observed at the ACTU's biennial congresses since the late 1950s. Both these groups are usually well organized in the context of congress and, subject to intervening electoral reverses in particular unions, comparatively durable from one congress to another. Their organization has customarily enabled them to present a united front on issues with a political element; in the case of the left-wing group, splintered by Communist breakaways, this was a remarkable achievement which was seriously put in doubt for the first time at the 1973 congress.
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What both core groups lack is numbers. Even with the addition of their steady associates further towards the centre of the political spectrum, each is a minority in congress. They need other allies if they are to have a voice in controlling the affairs of the ACTU. However, they do not form working alliances with each other. Their spokesmen quite often express similar viewpoints, usually on matters of industrial policy; but there is normally no question of an arranged alliance, and least of all in relation to issues with a political element. The one major exception to this rule occurred at the 1973 congress, although only a minority of the left-wing group was involved in the election deal which enabled a CPA (M-L) candidate to win an executive seat from his SPA opponent.

The core groups are thus forced to look to the moderates for allies. The composition of the congress since the late fifties has been such that neither group is able to win on a sensitive issue without attracting the support of, or aligning itself with, a substantial section of the moderates. In other words, it is moderates who in the end set the pace within the ACTU because it is their votes which tip the balance on the major issues that divide the ACTU’s constituents. One outcome of this is a phenomenon familiar in other contexts – a tendency on the part of the core groups to ‘converge on the centre’ in policy terms. Core group spokesmen at congress frequently take the opportunity of affirming their principles in pure form. But the scent of victory has often persuaded them to modify their preferred aims, on suitable occasions, in the hope of attracting or retaining moderate support.

This convergence on the centre, requiring those in the core groups to compromise their ideological position, gives some indication of the value which group leaders attach to influencing ACTU decisions. It also suggests that both sides regard the achievement of such influence as a genuine possibility. They are able to do so because the balance of power is held by moderates who are free to shift their position, and switch their votes, in a way not open to those with stronger ideological commitments. Moderates, that is, may be won over. It is this which at once prevents a dominant core group from making itself
unassailable and provides a weak core group with a source of hope for the future. As a result, the leaders of neither core group have been sufficiently disheartened to see secession from the ACTU as the only way out.

Why Affiliate?

The minority position of the political extremes and the pivotal role of the political moderates thus constitute one reason why the ACTU does not fly apart. But this does not explain why the leaders of affiliated unions (and especially leaders who are politically moderate) choose to affiliate in the first place, and thereafter choose to remain affiliated. The question is worth asking because for the individual union affiliation has its costs, and its benefits are not as clearcut as is often imagined.

The costs of affiliation are two-fold. First, there is the autonomy which a union loses by being formally subject to ACTU decisions. In practice, however, this is unlikely to be seen as more than a marginal cost in most circumstances, though occasionally it has been heavy in the case of specific unions. Secondly, there are the more tangible and more widely felt financial costs in the form of regular affiliation payments (ranging up to $35,000 annually for single unions) and special levies to cover the expenses of major arbitration cases. These financial costs may not matter much to a Communist union official who views affiliation in terms of historical imperatives, or to a DLP union official deeply committed to the struggle against Communism in the unions. They are, however, likely to weigh rather more heavily with politically moderate officials whose focus of attention tends to be narrower. Moderate officials could also be expected to show rather more interest in material benefits to compensate for these costs of affiliation.

There is no doubt that, in terms of their separate sectional interests, affiliated unions gain substantial material benefits from the activities of the ACTU. But the more significant point is that, individually, the overwhelming majority of affiliated unions could make precisely the same gains without being affiliated at
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all. Take the case of the ACTU's arbitration function. The federal arbitration system has never distinguished between unions that are affiliated to the ACTU (or to any other interunion body) and those that are not. The decisions in major cases carried by the ACTU flow-on, as a matter of course, to all federal awards (and often state awards as well) regardless of whether or not the unions concerned are ACTU affiliates. Unaffiliated unions have for years thus enjoyed the fruits of the ACTU's arbitration function without having to help meet the financial liabilities which the ACTU incurs in discharging it. The same is true of the ACTU's political function. Its claims on governments and on the ALP tend to be general in character, in that distinctions are not usually possible between affiliates and others. The result, again, is that both customarily share equally in the benefits of the ACTU's political activities. A similar lack of discrimination characterizes the economic enterprises, ACTU-Bourke's store and ACTU New World Travel, which were operative by the end of 1973.

Only in the case of the ACTU's industrial function is there discrimination between affiliated and unaffiliated unions. Thus the negotiation of composite industrial agreements is confined to affiliates, and the ACTU intervenes in strikes only if affiliates are involved in some way. On the other hand, not many unions are affected by composite agreements. And few unions invoke the ACTU's strike function, partly because most of its affiliates use strikes rarely or not at all and partly because, when they do, most of their stoppages are outside its jurisdiction, which is limited to interstate disputes. (Unions running intra-state strikes are able to call on the ACTU's state branches without being affiliated to the ACTU itself.) Moreover, when it comes to interstate strikes, these are usually handled, and won or lost, by affiliates which make no attempt to involve the ACTU. The ACTU's intervention, in any case, gives a striking union no guarantee of a successful outcome.

To argue that the ACTU confers no special material benefits on its affiliates is not to deny that it plays a vital part in promoting the interests of Australian trade unions and their members. The point is rather that, as far as the individual union is concerned,
material self-interest does not provide a compelling reason for affiliating or remaining affiliated to the ACTU, because an unaffiliated union gets virtually all the material benefits of affiliation without any of its financial or other costs. Thus, two other factors become more important in explaining why so many unions have affiliated and remained so. One of these factors is personal ambition. Affiliation to the ACTU enables union officials to cut a figure in a more ample sphere than that normally provided by their own union. For the lower official, there is the prestige of being a delegate to the ACTU's congress. The senior official also has the chance of an influential role in the ACTU's complicated internal politics and ultimately, perhaps, the highly valued prize of a seat on the interstate executive.

The second factor has to do with orthodox trade union conceptions of 'respectable' behaviour. On the side of manual unions at least, the general run of activists and officials expect eligible unions to join and remain in the ACTU. In so far as this expectation has a commonly accepted rationale, it is identical with the pragmatic cost-benefit argument which both manual and whitecollar union journals repeatedly produce when urging union membership on non-unionists: since they share with unionists the improvements in pay and conditions won by the unions, it is only fair that they should share the costs by paying a union subscription. The charge that non-unionists are dishonourable, because they 'ride on the backs' of their unionist colleagues, is easily transferable to unaffiliated unions. The pressure to conform in this respect can be powerful among trade union officials who mix socially with each other to a considerable degree. Sometimes, the critical pressure may come from other sources, as suggested by the curious coincidence between the timing of the Australian Workers' Union affiliation to the ACTU and the election successes during the mid-sixties of an AWU out-faction, the Committee for Membership Control. The CMC's most consistent line of attack up to this time had been the way in which the AWU was allegedly 'scabbing' on the trade union movement by refusing to join the ACTU. Some time before this the AWU leaders had been
persuaded to make voluntary contributions towards the ACTU's arbitration costs in national wage cases.

As a group norm, joining an appropriate interunion body is stressed particularly among manual unions, but appears to be of growing importance among whitecollar unions in relation to their own interunion organizations. In either case, as we have seen, it is not a norm that is uniformly observed. It does, however, seem to be particularly influential in relation to the ACTU, presumably because of the unusual authority which that body has acquired among the unions; and, in general, it seems to be a major element in the cement which holds interunion bodies together.
Chapter 9

The Character of Australian Unionism

There are two widely held beliefs concerning Australian trade unions. One is that, in comparison with other groups, they are exceptionally aggressive. The other is that they are very powerful.

Unions as Aggressors

Australian unions certainly sound aggressive. As projected through the news media, they are continually demanding, rejecting, urging, protesting - and launching strikes. They may, at different times, be backing a narrow sectional interest or a broader and more public interest; they may be seeking radical changes or trying to preserve the established order of things. Either way, they tend to appear pushy, sometimes destructive of personal comfort, and almost invariably noisy and quarrelsome. Those who see them in this light, whether temporarily or permanently, are by no means only people who do not belong to them. Trade union members themselves share with other groupings an inclination to be highly selective in their evaluation of social action. A great many of them, lacking any sense of their union being part of a wider 'movement' (see Chapter 6), are quite capable of looking with an unfriendly eye on union activities which do not obviously promote their own interests.

For almost everyone, of course, strikes are the key indicator of union aggressiveness. Australian strike figures are such that no militant Australian unionist need hang his head in international company. Moreover the range of occupational groups taking to strike action has expanded remarkably in recent times (see Chapter 1). If only because of the prevalence of strikes and the prominence that the news media understandably give them, it is inevitable that the public image of unions should be an
aggressive one and sometimes, perhaps, a little frighteningly so.

Even without strikes trade unions tend to be cast as aggressors. This is because, in promoting their members' interests as employees, they are dealing in a non-storable commodity (labour) and they are dealing with buyers (employers) who are usually in a relatively strong bargaining position. These two factors mean that unions, unlike firms selling, say, soap, normally have to secure the explicit consent of the buyers they face (or of an arbitrator who can compel buyer-employers to comply) before an increase in the price of their members' labour can be effective. Usually, too, the process of obtaining this consent not only involves a public or semi-public negotiating phase, but is initiated by the unions. Thus onlookers tend to see industrial relations as an endless procession of unions prodding seemingly passive employers for concessions. For many observers in these circumstances, there is the thinnest of lines between initiator and aggressor.

But however ugly trade unions may seem to those who have no stomach for aggressiveness (at least, for other people's), union bellicosity has notable limits. Violence, particularly organized violence, is not a prominent feature of Australian trade unionism. The killings and beatings which have disfigured the internal politics of the small Melbourne branch of the Ship Painters and Dockers' Union, and the vein of gangsterism inspiring them, are unique as far as the public record goes. On the other hand, it is true that strikes often generate tensions which sometimes erupt in spontaneous violence, usually individual assaults on fellow-workers. Only rarely, however, does there seem to be an element of calculation and co-ordination behind assaults or damage to property in such circumstances. Violence has played a notably smaller part in strikes since the Second World War – although the part it played before then was small enough according to Jack London, fresh from the struggles of American labour at the start of the century, who was surprised by the relative peacefulness of Australian strikes. The early 1970s saw a partial reversal of the post-war trend. Both the incidents and the participants were few in number, but the revival in the use of violence by strikers was quite distinct. It appears, in part at least, to have been an out-
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come of competition arising from the splits in Communist party organization. The same factor seems to have been involved also in a similar, if more limited, revival of violent tactics in inter-union politics which was marked by an ‘invasion’ of the New South Wales Labor Council in 1971 and an attack on the council’s assistant secretary the following year. Until then, while factional struggles in interunion bodies and within individual unions have always been a source of occasional minor violence, serious and premeditated use of physical force seems to have all but faded from the scene after notorious incidents in the 1930s and late 1940s.

Unions as Power-wielders

What makes the assumed aggressiveness of trade unions a cause of deep concern to many is the great power they are thought to exercise. Australian survey results indicate that trade unions are far ahead of any other group, including ‘big business’, when it comes to being regarded as too powerful. There are three things about Australian trade unions which probably contribute most to this impression of power. One is their numerical size. Another is the formal association that many of them have with a major political party, the ALP. And the third is their use of the strike weapon. In reality, however, none of these things provides quite the access to power that is commonly assumed.

As to size, it is true that bodies are one resource which unions possess in unusual quantity. Unionists themselves, like many outsiders, are often vastly impressed with this fact, usually because they implicitly correlate numbers with influence – a correlation that is at least questionable. Industrially, for example, large numbers weaken rather than strengthen the position of unions concerned with the financial costs of sustaining a long strike; and, in any case, the impact of a strike and the industrial ‘punch’ of a union normally depend on factors other than raw numbers (a point elaborated below). Politically, numbers as such obviously count in parliamentary elections, but there is no evidence that Australian unions have any substantial control
over their members’ electoral behaviour in the sense of being able to ‘deliver’ their votes. Only in the context of the unions’ relations with the ALP does the sheer size of their membership consistently carry any great weight, and even then the degree of effective influence involved is easily exaggerated.

Although union representatives are normally in a majority on the ALP’s main organs, these majorities do not translate automatically into union domination of the party or of Labor cabinets (see Chapters 3 and 7). In the particular case of Labor governments, union influence may be strong in relation to industrial policy but is usually weak in other policy areas. Moreover, such influence as the unions do have is likely to be offset by constraints which such governments tend to impose. To union officials closely associated with the ALP, the election of a Labor government means that they have to take more care when using the government as a scapegoat than they would in the case of a non-Labor administration. It also means that the political pressures on them to avoid or end serious strikes are heightened – although very occasionally, as in the months before the 1972 federal elections, these pressures may be as strong or stronger when the party is not in office. Similar constraints are imposed on union officials of both the extreme left and the extreme right, to the extent that they have to make allowances for ALP loyalties among their fellow-officials and members. Labor governments thus tend to make life in some ways a little more difficult for many union leaders, especially those heading interunion bodies with political functions or unions accustomed to making free use of the strike.

Strike action, as a source of trade union power, is thus subject to limitations arising from the unions’ relations with the ALP. But, of course, there are other factors which affect unions’ industrial strength, in the sense of their ability to use the strike. Two are of particular importance. One is the militancy – the willingness to strike – of a union’s rank and file members, especially its activists. Militancy varies widely among unions, industries, occupations and workplaces, and also over time in specific cases. As reflected in strike statistics, a high pitch of militancy has been more or less a consistent characteristic of only a few industries
or occupations and only a handful of unions (see Chapter 7). Others, notably some school teachers and whitecollar airline employees, have more recently displayed a consistently militant outlook. In most cases, however, militancy is sporadic or non-existent.

The second factor with a special bearing on industrial strength is what may be called strategic position. The strategic position of a union or of a group of employees is a function of its industrial/economic location, which in turn determines the scope and severity of the dislocation caused by a strike of its members. The strategic position of university staffs, on this criterion, is as weak as water, while that of most transport workers is very strong. Nor are strong strategic positions the property of large groups alone. A few hundred petrol tanker drivers have shown they can achieve substantially the same result as a strike by all transport workers, and there are other small groups with a demonstrated capacity to paralyze economically crucial industries. All the same, most union members do not occupy strong strategic positions; and, in the case of those that do, the strength of their position is not always married to a notably militant outlook. Thus only for a small section of the trade unions is the strike at once readily usable (militancy) and a weapon with considerable industrial and economic impact (strategic position).

Even where militancy and strategic position are strong, there are constraints. The steam may be taken out of a militant workforce by economic recession, by changes in the ALP’s political fortunes, or by an employer willing to sit out a long strike or to invite a strike at a time favourable to himself – sacking or transferring a prominent union member being allegedly one of the more common forms of ‘invitation’. Similarly, the value of a strong strategic position may be reduced by the risks involved in exploiting it to the full. There is the difficulty that a strike seriously affecting the livelihood of other employees generates pressures from other unions for a return to work, and these are not always easy to resist. Again, in the case of strikes with a wide public impact, there is the danger of government intervention which may stiffen the opposition and occasionally, although normally stopping short of coercive measures, involve more
direct anti-strike action. Workers in the electricity generating industry, for example, although occupying an intrinsically stronger position than the airline pilots, face greater problems in utilizing their position precisely because of the wider and more severe repercussions of their strikes. So that even when launched from strong strategic positions with the warm support of militant memberships, strikes can still fail — as they often do in the case of strikes for industrial purposes, and almost invariably do in the case of political strikes.

Of course, the unions' bulk, their links with the ALP and their access to the strike weapon all help to put power in their hands, and sometimes quite as much as they need for the limited purposes they usually have in mind. The point, however, is that in Australian conditions none of these things provides unions with the continuing and sweeping power popularly attributed to them in relation to other organized groups and governments.

Dependent Institutions

Aggressive, but not extravagantly so; and powerful in a patchy and highly qualified way: this comes closer to the character of Australian trade unionism than the more imposing impression with which this Chapter opened. It is, as well, more accurate than the quite different impression found especially among observers on the newish left who depict the unions as essentially flabby, impotent organizations which have been subdued, industrially, by compulsory arbitration and, politically, by the ALP's parliamentary successes. This picture has the virtue of pointing to another leading characteristic of Australian trade unions — their dependence on government and on compulsory arbitration — but it is mistaken in its underlying assumption that such dependence means control in the sense of subjugation.

Trade union dependence on government and arbitration unquestionably entails acceptance of a measure of outside control over the affairs of most unions. But in both cases the emphasis ultimately falls squarely on the promotion, not the frustration, of their industrial causes. Australian unions, that is
to say, are dependent on governments and arbitration tribunals because as a matter of practice they accept each as providing a means of furthering unionists' interests which is both available and relatively efficient. The unions are entitled to draw this conclusion because the results are on the board (see Chapter 7). Governments, above all Labor governments, have been chiefly responsible for most of the great innovations in industrial policy. Arbitration tribunals, apart from anything else, have not only given countless strikers somewhere to turn when things go wrong, but have often ensured a swift flow-on of gains however initiated.

There is also a wider sense in which Australian unions are dependent institutions. It is reflected in their tendency to react to events rather than shape them. Most unions for most of the time are engaged in essentially defensive or protective operations stimulated by changing circumstances outside their control. This is exemplified, above all, in the ceaseless claims for pay increases based on such grounds as movements in the cost of living, disturbances in the relativities of different groups, and technological or other changes affecting the skills, responsibilities or job-difficulties of a specific occupational sector.

The trade unions, of course, are by no means unique in their dependence. They share it in some degree, in both its narrow and its broad aspect, with most other economic interest groups in Australian society. But the unions are richer than most in critics who profess both a friendly interest in them and a concern about their dependence. The more radical of these critics want to reduce or eliminate union dependence on government and arbitration: the key to this, they assume, is greater reliance on collective bargaining. The less radical critics by and large accept the fact of dependence on government and arbitration, but want unions to make more efficient use of both: the key to this, they assume, is research and education.

These are two quite different lines of approach, but they have one thing in common. This is the fact that, in each case, their exponents tend to envisage them as being best promoted by precisely the same means – closer union organization. Closer organization means principally the amalgamation of related
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unions. It is sometimes taken to involve also the consolidation of interunion organization, especially through the amalgamation of the ACTU and ACSPA. To the critics looking to collective bargaining, closer organization promises a greater concentration of the unions' industrial resources and an enhanced ability to exploit the strike weapon. To those concerned with research and education, closer organization promises a greater concentration of the unions' financial resources and an enhanced ability to provide both more ambitious education programmes directed at officials and activists, and more sophisticated research facilities in support of union claims on governments and arbitrators as well as employers.

However, the extent to which the critics' aims may be achieved through closer organization is problematical. Although amalgamation certainly eliminates jurisdictional disputes, it does not automatically unify diverse occupational groups in other respects; and intra-union demarcation disputes and conflict over other aspects of industrial policy are indicative of this. Moreover, in so far as it does promote united industrial action, it is also likely to raise in more acute form the tactical problems which, as we have seen, tend to be associated with strong strategic positions. There is, on the other hand, less doubt about the likelihood that amalgamation creates financial resources capable of buying more in the way of research and educational facilities. Yet the extent to which such facilities can generate more favourable decisions from governments and arbitrators, let alone from employers, is by no means obvious. Informed argument is often an influence of some importance in the formation of industrial policy; but its importance is far from invariable because it is not the only resource available to those with an interest in the area.

Whatever the future may hold, the present fact remains that Australian trade unions are still heavily dependent on government and on arbitration for the realization of their industrial aims. It does not follow, however, that trade unionism would collapse if arbitration were destroyed and government intervention ended. The unions in general depend on government and on arbitration tribunals because they make life easier, not because they are an indispensable condition of survival. Nor
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does it follow from the unions’ dependence that the unions themselves are unimportant or ineffective. As to importance, it is enough that they are widely believed to be major sources of power, actual and potential, in Australian society, and so become prizes to be fought over by Communists and anti-Communists, among others; and, in general, opponents to be respected. As to effectiveness, there is the crucial part they have unquestionably played in improving the conditions of Australians’ working lives simply by publicly and persistently articulating, however imperfectly at times, the workaday problems of ordinary employees. The special relationship many of them have with the ALP has at times added weight to their role. So, too, has the access they have in varying measure to the strike, a weapon which has sometimes impressed government leaders and arbitrators as well as employers. And the selective benefits offered by most unions are often of great moment to individual members.

Underlying all this is a dominating concern with bread-and-butter issues. Ideological commitments reflected in generous interpretations of union aims, and in attempts to pose as keepers of the ALP’s socialist conscience, are for the most part neither deep nor extensive. Although ‘business unionism’ is not a fashionable term in union circles, most officials are plainly much more interested in administering the present than in planning the future; and a few reveal something more, it would seem, when they discuss membership changes in terms of ‘sales’ of tickets. In short, despite much of the rhetoric of Australian trade unionism, its style is essentially pragmatic. This largely accounts for the repeated calls from some observers for exciting new initiatives and broader perspectives, usually in terms no more specific than these. But the unions, denying the diversionaries in their own ranks as well, have stolidly continued to focus attention on the humdrum matters that go to determine the conditions under which their people work. And that, in the end, is probably their strength.
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There are two widely held beliefs concerning Australian trade unions. One is that they are exceptionally aggressive; the other is that they are very powerful.

An aggressive image of trade unions is projected through the news media, where they are seen to be continually demanding or rejecting, protesting noisily, or on strike whether for a narrow sectional interest or for broader issues of social concern. The impression that they are powerful comes from their numerical size, their association with the Australian Labor Party, and their use of the strike weapon. Yet while trade unions are often in the news, this does not necessarily help them to be understood; the fierce public controversies about unions and their power are rarely well informed.

*Trade Unions in Australia* offers a real understanding of these complex and important components of Australian society. Professor Ross Martin has written a crisp, clear and straightforward survey of contemporary trade unions: their past; how they are organized and run; their achievements within a constraining legal framework; and finally an analysis of their real character. Contrary to popular belief, institutions, reacting to events rather than shaping them.