

INDUSTRIAL CONDITIONS

INDUSTRIAL REGULATION

Jurisdictions

Introduction

The regulation of wages and conditions of employment in Victoria is in part made pursuant to Federal legislation and in part the result of State law. The division between State and Federal jurisdictions applies also to public service employees. Both State and Federal regulations are overwhelmingly seen in the form of awards or orders of industrial tribunals which may be made by consent or by arbitration and which have the force of law. Latest figures show that Federal awards covered 43.6 per cent of Victorian employees compared with 40.1 per cent under State awards. Federal coverage of male employees (54.6 per cent) and State coverage of females (58.5 per cent) were higher than the overall figures.

In general terms it may be said that Federal regulation applies to industries which lend themselves to national organisation and provision of uniform rates and conditions, e.g. banking, textile, and vehicle industries. Other industries which are organised and operated on a purely local basis are dealt with under State jurisdiction, e.g. hospitals, shops, and restaurants. The interdependence between the operation of the two systems ensures that wages and conditions have a high degree of correlation.

Many key areas of employment for which the Victorian Government is responsible come under the Federal jurisdiction. Notable among such groups are those providing a direct service to the public, e.g. electricity, railway, tram, and bus employees. Disputes in these areas are widely reported. In 1977, a ten week stoppage by maintenance workers employed by the State Electricity Commission was described as the most serious strike occurring in Victoria since the Second World War.

The relationship between the Victorian and Commonwealth systems depends on the distribution of legislative powers between the Commonwealth and Victorian Governments. Under the Commonwealth of Australia Constitution Act, the Commonwealth Government's power over industrial matters is limited to 'conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State'.

The limitations have been accorded a generous interpretation by the High Court with the result that the Federal system has gradually become predominant in the sphere of industrial regulation throughout Australia. A Federal award supersedes an inconsistent State determination or statute. In addition, the Victorian legislation contains a number of provisions designed to encourage substantial uniformity of prescriptions with those of the Federal tribunal. In 1983 the Commonwealth Government appointed a Committee of Review to examine and report on all aspects of the Federal system and its inter-relationship with the systems operating in the various States. The Committee was expected to deliver its report by the middle of 1985.

Major changes occurring in recent years have flowed from the Federal to the State system without significant delay or qualification. These changes include the replacement of a two component award wage with a unitary system known as the total wage (1967), the introduction of equal pay (1972), the adoption of a wage fixation system based on indexation for price movements (1975) and its abandonment (1981), the application of a wages freeze (1982), and the reintroduction of wage indexation (1983).

Federal jurisdiction

The Federal tribunal was first established pursuant to the *Conciliation and Arbitration Act* 1904. The Act was extensively amended in 1956 and this amendment altered the structure of the arbitration machinery by separating the judicial functions from the conciliation and arbitration functions. The Commonwealth Industrial Court was established to deal with judicial matters, and the

Commonwealth Conciliation and Arbitration Commission was assigned the functions of conciliation and arbitration.

The Commission comprises the President, twelve Deputy Presidents, and twenty-seven Commissioners. Although the President and most Deputy Presidents have the same qualifications and designation as Judges, provision now exists for appointment as Deputy Presidents of other persons having special qualifications, experience, or standing in the community. Since 1972, the industries serviced by the Commission have been divided into panels. Each panel is administered by a Presidential member with the assistance of two or three Commissioners.

Where a dispute is notified or otherwise comes to the attention of the Presidential member concerned, it will be dealt with by way of conciliation unless that course is deemed inappropriate. The same approach is utilised for applications to vary existing awards. If conciliation is exhausted, arbitration on the outstanding matters will take place. Although objection may be taken to the same member of the Commission moving from conciliation to arbitration, such objections are not common. Provision is made for the certification of agreements arrived at between the parties subject to certain conditions.

Coincidental with the introduction of the panel system, there has been a tendency for proceedings to be shorter and less formal. Many matters are determined in conference. A discussion forum enables the parties to have a greater influence on the eventual solution of the issues in dispute.

Single members of the Commission deal with a wide-ranging variety of disputes. Although the jurisdiction of the tribunal is circumscribed in many ways, both unions and employers use the Commission as a general clearing house for any dispute which is not otherwise resolved.

Full Benches of the Commission determine appeals from decisions of single members, test case issues, and other matters of particular importance in the public interest. Recent amendments to the Act have facilitated references to Full Benches of matters being dealt with by a single member and have extended rights of appeal against single member decisions. A Full Bench consists of three or more members of the Commission, at least two of which must be Presidential members.

In the years up to 1975, it had become traditional for a general wage claim based on economic grounds to be considered annually in what were known as 'national wage cases'. In 1975, a Full Bench of the Commission altered this procedure. An indexation package was introduced which provided for quarterly hearings to consider whether wages should be adjusted for movements in the Consumer Price Index (CPI) and an annual hearing to review movements in national productivity.

It was expected that such a system would be more orderly, more rational, more equitable, and less inflationary and would therefore reduce industrial disputation.

The essential feature of such a system was the need to regulate and limit wage increases outside national wage cases to allow high priority to be given to the maintenance of real wages. It was accepted by all that restrictive guidelines would need to be laid down to achieve this priority.

In June 1979, the Commission declared that the system was not working. The fundamental problem of the indexation package was the conflicting and irreconcilable expectations of the major participants as to what it should be able to achieve. Over the latter stages of its life, a number of interacting factors emerged which were inconsistent with the spirit or letter of the guidelines upon which indexation was based. As a result, the Commission decided, on 31 July 1981, to abandon the wage indexation system. Following that decision individual unions, supported by the Australian Council of Trade Unions (ACTU), negotiated with employers on an award by award basis.

Against the background of an expected resources boom, parties to the benchmark metal industries award agreed to a 19.9 per cent wage increase at the tradesman level and a reduction in working hours from 40 to 38. Although it took longer than usual, the vast majority of employees have now received the equivalent wage increase and the shorter working week.

A deterioration in the economic situation, however, led the Commonwealth Government, supported by all eight State and Territory Governments, to apply to the Commission for a wages freeze. On 23 December 1982 the Commission ruled that, subject to very limited exceptions, there should be no increases in wage or salaries in Federal awards until at least 30 June 1983.

Prior to its election in March 1983, the Australian Labor Party concluded an 'Accord' on prices and incomes with the Australian Council of Trade Unions. A feature of the Accord was agreement between the parties for a return to a centralised system of wage fixation. The new Commonwealth Government convened a National Economic Summit Conference in April 1983 at which employers added their agreement for a return to a centralised wage fixing system.

On 23 September 1983 the Commission signified the end of the wage pause by granting the ACTU

claim for a wage increase of 4.3 per cent based on movements in the CPI for the March and June quarters 1983 and establishing Principles for the operation of a new wage fixation system.

The guidelines provided that national adjustments to wages and salaries could emanate from two sources – CPI movements and national productivity – while increases outside the national wage must constitute a very small addition to labour costs. Unless persuaded to the contrary, the Commission stated that it would adjust award wages and salaries every six months in accordance with movements in the CPI, while any claim relating to national productivity would be considered, upon application, in 1985. As a condition of the receipt of a national wage adjustment, unions would be required to give an undertaking that no extra claims would be pursued outside the scope of the Principles.

Consistent with the newly established Principles, the Commission on 4 April 1984, granted a 4.1 per cent national wage increase, reflecting the CPI movements for the September and December quarters 1983.

The CPI for the March and June quarters 1984 showed a negative movement of 0.2 per cent. On 5 September 1984, the President of the Commission announced that agreement had been reached in a conference between the parties that no immediate claim would be made in respect of that movement. In the national wage case decision of 3 April 1985 the Commission awarded a 2.6 per cent increase reflecting movements in the CPI over the 12 months to December 1984.

A landmark decision was delivered by a Full Bench of the Commission on 2 August 1984. The decision provided Federal award employees with protection against unfair dismissal, extended periods of notice on termination of employment and rights to severance pay in redundancy dismissals. In addition, the decision required that employers of Federal award employees provide information and consult with unions about major changes in production, organisation, structure, technology, and pending redundancy situations. This decision is expected to flow through to State awards.

Federal Court of Australia

On 1 February 1977, a new court, the Federal Court of Australia was established. The Court consists of a General Division and an Industrial Division. The latter division deals with those matters of industrial law formerly dealt with by the Industrial Court. The principal powers and functions are:

- (1) enforcement and interpretation of awards;
- (2) registration of organisations and disputes as to union rules; and
- (3) appeals from State courts, exercising Federal jurisdiction pursuant to the Conciliation and Arbitration Act.

The Federal Court is also empowered to grant injunctions under the Trade Practices Act against secondary boycotts imposed by unions. Successful applications for interim injunctions under the relevant provision, section 45D, have been the subject of widespread industrial action.

Further reference: *Australian Industrial Relations Bureau, Victorian Year Book 1980, pp. 221-2*

Victorian jurisdiction

In 1896, the Victorian Parliament introduced a system of Wages Boards with the object of determining wages and conditions of work in 'sweated' industries. This legislation was originally of a social character, but developed into an industrial relations system, including procedures for settling industrial disputes, which determined wages and working conditions for about one-third of wage and salary earners in Victoria. The number of Wages Boards increased from the original four to more than two hundred by 1982.

An appellate body known as the Industrial Appeals Court comprised of a President (a judge of the County Court) and two lay members (one representing employees and one employers), operating on a part-time basis, heard references from the Minister, applications for interpretation of a Determination of the Court or a Wages Board, and appeals from Determinations of Wages Boards. The Court also heard appeals from Magistrates' Courts against convictions for an offence under the Act.

In 1975, a Committee for Review of the Labour and Industry Act commenced a review of the system of industrial relations in Victoria. Employee and employer interests were represented on the Committee. Following the Committee's work, the *Industrial Relations Act 1979* was passed by the Victorian Government and came into operation on 1 November 1981. Under the Act the Industrial Relations Commission of Victoria has been constituted and provision made for the constitution of Conciliation and Arbitration Boards (to replace Wages Boards). Decisions of these Boards will be known as awards.

The Act introduced two new concepts into the Victorian industrial system. Provision has been made for the recognition of industrial associations of employees and employers with respect to trade or trades for which a Board has been constituted. While this stops short of granting these bodies corporate status, it entitles associations so recognised to nominate persons for appointment to Boards, to be kept informed of proceedings of a Board, to appear before any Board with respect to which it is recognised, and to enter into industrial agreements.

The registration of the industrial agreements is the second innovation introduced into the system by the Act. Every industrial agreement duly registered will be binding on the parties to it and agreements are enforceable in all respects as if they were awards.

The Commission consists of a President (a barrister and solicitor of not less than five years standing), two Commissioners who have had extensive experience in the conduct of industrial matters, and so many members as Chairmen of Boards as are necessary for the administration of the Act.

The powers of the Commission may be exercised in several ways. The Commission in Court Sessions, where the President sits alone, hears appeals from convictions by a Magistrates' Court for an offence against the Act, applications requiring a Board to sit, appeals against decisions of the Secretary of the Department refusing to register or cancelling the registration of a factory, shop, or market place, and applications for declaration as to the true effect and intent of an award. A Board or a Chairman may also apply to the Commission in Court Session for an order referring any matter before the Board to the Commission for hearing and determination.

The Commission in Full Session, where the President sits with the Commissioners, hears references from the Minister, appeals and references from Boards, applications for the recognition of industrial associations, for constituting or abolishing Boards, for interpretation of awards, and for determining the jurisdiction of Boards. The President may direct a Commissioner sitting alone to hear and determine any industrial dispute or any industrial matter referred to the Commission in Full Session.

The primary power to deal with industrial matters and industrial disputes rests with the Conciliation and Arbitration Boards. This follows the pattern developed over seventy years with the Wages Boards and the Industrial Appeals Court where employers and employees were served by a system which provided protection for and consideration of the public interest and operated with a minimum of delay and at a relatively low cost. Each Board has very wide powers to make awards relating to any industrial matter in relation to the trade or branch or group of trades for which the Board was appointed. A Board consists of an independent Chairman and an equal number of employer and employee representatives. There is a panel of Chairmen and the Commission assigns Chairmen to particular Boards. The representative members must be either actually engaged in the trade covered by the Board or officers, officials, or employees of recognised or other industrial associations of employees or employers. The Commission appoints members of a Board on the nomination of a recognised association or interested group.

Practising members of the legal profession cannot be members of a Board except where the Board deals only with that profession. The rights of parties to be legally represented before the Commission is limited. Appointments and reappointments of representative members are for a period terminating on 30 September of each year.

At Board meetings matters are raised for determination in the form of a motion which is then discussed and debated by members of the Board. Witnesses and experts may also be heard. Compromises to the original proposal may be discussed with the aim of achieving agreement. The Chairman participates as a member of the Board; he may be involved in the debate; he may attempt to conciliate and he may ultimately vote as a member of the Board. In the case of equality of votes the Chairman must decide the matter as he thinks best. Procedures are determined by the Chairman and the meetings are conducted with a minimum of formality and an absence of legalism.

Where the Chairman votes on the resolution for an award he states the grounds for his decision and these are recorded in the minutes. Where the award is made without the vote of the Chairman it does not come into operation until he gives his approval. His reasons for approval are recorded in the minutes.

In addition, Boards have a dispute settling role. When an industrial dispute arises, an employer or an association of employers or employees must inform the Registrar of the dispute. He in turn informs the President and the appropriate Chairman who convenes a meeting of the Board concerned. The

Board seeks to settle the dispute by conciliation, but if this fails the Chairman is required to settle the dispute by arbitration.

The Chairman provides the Minister with reports, documents, and minutes when the Minister requires this for the proper conduct of public business. The President of the Commission is also provided with these papers when he requires them.

Unless special reasons exist, proceedings before the Commission are public. Conciliation and Arbitration Boards sit publicly unless the Chairman considers it undesirable to do so in the public interest or in the interests of the parties.

The Victorian industrial relations system has shown its ability to evolve in terms of the legislative framework and administrative operation without compromising the basic principles of direct participation, informality, and conciliation. The new Industrial Relations Act is part of this evolving process.

Further reference: *Victorian Year Book* 1984, pp. 182-5

DETERMINATIONS OF WAGE RATES AND LEAVE CONDITIONS

Legal minimum wage rates are generally prescribed in awards or determinations of Federal and State industrial arbitration tribunals, in collective agreements registered with these tribunals, or in unregistered collective agreements.

As outlined earlier in this chapter, wage rates are determined by the Commonwealth Conciliation and Arbitration Commission for those industries which extend beyond the boundaries of any one State, and by Victorian Conciliation and Arbitration Boards for industries which do not extend beyond the State boundary.

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Commonwealth wage determinations

Basic wage, 1907 to 1967

For details of Commonwealth basic wage determinations, which were made from 1907 to 1967, see page 224 of the *Victorian Year Book* 1980.

Total wage

Background

The decision of the Commonwealth Conciliation and Arbitration Commission in the National Wage Cases of 1967 introduced the total wage concept, thereby eliminating the previous separate components of basic wage and margins.

Equal pay between the sexes in a restricted form was granted in 1969 but the concept was liberalised in 1972 and full implementation of equal pay was achieved by June 1975.

In 1975, wage indexation in the form of quarterly adjustments to award total wages based on increases in the CPI was introduced. The Commission also announced its intention to consider each year the effect of productivity for total wage awards.

In 1978, a review of the wage fixation procedures was made and on completion of the inquiry a Full Bench of the Commonwealth Conciliation and Arbitration Commission decided in September 1978 to hold future wage indexation hearings six-monthly each October and April, beginning in October 1978.

After considering further submissions following the September 1978 National Wage Case, the Commission proposed a further change to the wage indexation package during the National Wage Case of March 1980. The main change involved the expansion of the work value principle so that after a particular award had been subject to across the board increases since 1975 '...it is not permissible under this principle to alter the rates of all classifications or the substantial proportion of classifications or employees covered by an award unless...there is a special and extraordinary problem'. During this National Wage Case, the principle allowing for catch up movements in the community was allowed to lapse as it was believed that sufficient time had passed for such claims to be brought to the Commission's attention.

National Wage Cases, 1980 to 1984

The July 1980 national wage decision was described on page 213 of the *Victorian Year Book* 1981. The increases in the CPI for the June quarter 1980 and September quarter 1980 were 2.8 per cent and 1.9 per cent, respectively. After considering whether to discount for the oil levy, the cost of industrial disputes, and work value increases, the Commission decided, as in recent cases, to discount for the estimated direct effect of the levy on the CPI, this time by a factor of 0.7 per cent. The Commission

also decided, for the first time, to apply a discount for the indirect effects of the oil levy in the period under review, by a factor of 0.3 per cent. The Commission concluded that it would not discount on this occasion for the effects of the cost of industrial disputes and work value increases. Accordingly, the January 1981 national wage decision was that all award wages and salaries should be increased by 3.7 per cent.

The increases in the CPI for the December quarter 1980 and the March quarter 1981 were 2.1 per cent and 2.4 per cent, respectively. In accordance with the previously determined new Principle 1 for National Wage Cases, the Commission had already decided that: 'Upon publication of the March quarter Consumer Price Index, other than in exceptional and compelling circumstances, the Commission will adjust its award wages and salaries for 80 per cent of the December and March quarterly movements in the Six-Capitals Consumer Price Index'. Because none of the parties or interveners to the case sought to demonstrate the existence of 'exceptional and compelling circumstances', the May 1981 national wage decision was, therefore, to increase all award wages and salaries by 3.6 per cent (i.e. 80 per cent of the increase in the CPI).

In a decision handed down by the Commission on 31 July 1981 the wage indexation principles were discontinued. From that date until 23 December 1982 award adjustments were made on a case by case approach. Due to the seriousness of the economic situation arising from the combined effect of a deep and prolonged international recession, a serious drought, and a substantial increase in labour costs, the Arbitration Commission, on 23 December 1982, applied a six-months' pause on improvements in wages and conditions. The pause was specifically continued on 28 June 1983 until rescinded or altered by the National Wage Bench. On 29 September 1983 the National Wage Bench made a decision to return to a centralised wage fixation system and granted a 4.3 per cent wage increase.

The return to National Wage Cases was made subject to certain principles on the basis that the great bulk of wage and salary movements will emanate from national adjustments to CPI movements and national productivity.

For award wage rates, Melbourne, 1975 to 1984, see table on page 229.

Further references: *Inquiry into the principles of wage fixation, Victorian Year Book 1981, pp. 211-12, 1984, pp. 192-205*

Wages freeze and the Prices and Income Accord in Victoria

A wages pause was introduced following submissions from the Commonwealth Government, private employers, and State Governments to the Australian Conciliation and Arbitration Commission on 23 December 1982.

The National Wage Case decision imposed a freeze on wage movements for six months to 30 June 1983. State industrial tribunals subsequently adopted the essential elements of the decision, the Victorian Industrial Relations Commission adopting them on 18 February 1983.

The Victorian Industrial Relations Commission formulated the following guidelines for the wages pause, based on the Commonwealth Guidelines.

Guidelines

A policy of restraint should apply to any proposal for an increase in wages, salaries, or allowances, reduction of hours, or improvement in other conditions of employment, whether by award, over-award, or agreement. The Commission will guard against any contrived arrangement which would circumvent this approach.

The following guidelines, which must be read subject to the provisions of the *Industrial Relations Act 1979*, will apply from the date of this decision until 30 June 1983 and thereafter until altered or rescinded by the Commission.

'1. There should be no increase in wages or salaries in State awards. The only exceptions to this will be awards which have not been varied at all since the abandonment of indexation or which have moved by less than the metal industry standard. Even in such cases, *prima facie* no further increase should be awarded if a first instalment and mid-term adjustment have been made consistent with the National Wage decision of the Australian Conciliation and Arbitration Commission of 14 May 1982. That decision contemplated that adjustments less than the metal industry standard might be appropriate. Further, where the first increase is less than the first instalment of the metal industry standard, it does not necessarily mean that the mid-term adjustment should be correspondingly more.

'Where there is doubt whether an agreement of the parties exceeds the metal industry standard or where the members of the Board are unable to agree on the proper application of the May 1982

National Wage decision, the members may agree to the matters being determined by the Board and the Board shall subject to the Act determine the matters. Where the members do not agree to the matters being determined at the Board we would anticipate that the Board or the Chairman might make application under either section 37 (8) or 44 (4) of the Act.

'2. Only in circumstances where a new process or method of work has been introduced warranting the creation of a separate classification should a new rate of pay be established in an award.

'3. Only in circumstances which could not have been foreseen at the date of this decision should increases in existing award allowances or service increments be permitted or a new allowance or service increment created.

'4. Agreements which have been or may be reached to introduce a reduction in ordinary working hours may be considered in the light of the preamble to these guidelines and subject to close scrutiny of labour costs and other relevant factors. The negligible cost test *must*, in the public interest, be satisfied. A heavy onus rests on any party seeking approval of a reduction in ordinary hours of work.

'5. Re Agreements reached prior to 23 December 1982.

(a) Agreements as to wages must be processed in accordance with these guidelines.

(b) Leave is reserved to relevant parties to apply to this Commission to establish guidelines as to working conditions other than a reduction in ordinary working hours.

'6. Site allowances or Resource Development Project allowances may be considered on the basis that each site or project must be determined on its own merits. In considering such a matter Boards are bound to apply sections 34 (1) (k) and 37 (7) of the Act.

'7. These guidelines extend to all part heard cases. For the purposes of these Victorian guidelines "part heard cases" are deemed to include those cases where a resolution has not been made by the Board.

'While opposing a twelve month Wages Pause, as had been proposed by the Federal Government, the Victorian Government conceded that a six month pause should be instituted. This should be done in the context of a return to centralized wage fixation, with a move towards consensus and greater stimulation of the economy providing significant benefits for the economy. Further, the Victorian Government supported a national tripartite conference to develop such consensus.'

Prices and Incomes Accord

On 21 February 1983, the Australian Council of Trade Unions (ACTU) and the Australian Labor Party convened a Special Union Conference, at which the Prices and Incomes Accord was endorsed.

Following the election of the Australian Labor Party to Federal Government on 2 April 1983, it formally adopted the Prices and Incomes Accord as its economic platform. The government convened a National Economic Summit Conference at which unions, employers, and other interest groups discussed wage fixation, among other issues. Out of the Summit a request was made for a National Wage Conference to be convened by the President of the Conciliation and Arbitration Commission, Sir John Moore, to enable tripartite discussions. On 28 June 1983, the Australian Conciliation and Arbitration Commission specifically continued the Wages Pause, pending the outcome of the National Wage Case which was finalised in September 1983. Submissions put to the Commission by the ACTU, Federal Government, and five State Governments included a claim for a national wage increase and a return to a centralised system.

On 23 September 1983, the decision in the National Wage Case was handed down by the President of the Australian Conciliation and Arbitration Commission. Briefly, it provided for a return to a highly centralised wage fixation system and an increase in all wages and salaries of 4.3 per cent from the first pay period on or after 6 October 1983.

The Commission also outlined a set of Principles in its decision to guard against any method other than National Wage Adjustments and National Productivity (not before 1985) providing a vehicle for general improvement in wages or conditions.

These Principles were adopted by the Industrial Relations Commission of Victoria in the decision of the State Wage Case handed down on 20 October 1983.

The Commission stated that:

'In considering whether wages and salaries or conditions should be awarded or changed for any reason either by consent or arbitration, the Commission will guard against any contrived arrangement which could circumvent these Principles.

'The Principles have been formulated on the basis that the great bulk of wage and salary movements will emanate from national adjustments. These adjustments may come from two sources – CPI movements and national productivity. Increases outside National Wage – whether in the form of

wages, allowances or conditions, whether they occur in the public or private sector, whether they be award or overaward – must constitute a very small addition to overall labour costs.

'The Commission will guard against any Principle other than Principles 1 and 2 being applied in such a way as to become a vehicle for a general improvement in wages or conditions.'

The Principles definitively addressed the following; national wage adjustments, national productivity, other claims, work value changes, standard hours, anomalies and inequities, paid rates awards, supplementary payments, allowances, first awards and extensions of existing awards, and conditions of employment.

Equal pay

For details of Equal Pay Cases conducted in 1969, 1972, and 1974, see page 271 of the *Victorian Year Book* 1976.

Victorian Wages Boards Determinations

Prior to the Victorian *Industrial Relations Act* 1979 becoming operative on 1 November 1981, the Victorian Wages Boards system had been operating in Victoria since 1896. During this time the Wages Boards in determining wage rates had adopted Commonwealth wage rates except during the period between November 1953 and August 1956 when an amendment to the Factories and Shops Act required Wages Boards to provide for automatic quarterly adjustments to the basic wage in Wages Boards Determinations in accordance with variations in retail price index numbers.

In July 1966, the Conciliation and Arbitration Commission inserted rates of minimum wage for adult males into Federal awards, and Wages Boards followed these prescriptions. This was followed in August 1967 by the total wage concept with the consequent elimination of basic wages and margins from Wages Boards Determinations, and total wages for adult males and adult females were then increased by similar amounts to those awarded to Federal award employees.

Late in 1969, the Industrial Appeals Court ordered that a minimum wage for adult males should operate in all Wages Boards Determinations, and since then this minimum wage has been increased by the same amount of increase as prescribed for the Federal minimum wage for adult males.

In May 1974, the concept of a minimum wage was extended to adult females on the same basis as for females employed under Federal awards, of 85 per cent of the relevant adult male minimum wage initially, increasing to 90 per cent by 30 September 1974, and to 100 per cent by 30 June 1975.

Victorian Conciliation and Arbitration Boards

The *Industrial Relations Act* 1979 provided for the establishment of the Industrial Relations Commission of Victoria consisting of a President, two Commissioners, and a panel of Chairmen of Conciliation and Arbitration Boards. The Commission performs the functions previously carried out by the Industrial Appeals Court and Wages Boards, formerly constituted under the Labour and Industry Act.

The Conciliation and Arbitration Boards are similarly constituted to the previous Wages Boards, each having an equal number of members representing employers and employees and a chairman. They exercise the same functions as Wages Boards with additional powers in the area of dispute settlement. There were 210 Boards at 31 October 1984.

During 1982 and early 1983, wage increases were considered by Conciliation and Arbitration Boards on a trade or industry basis. In September 1983, the Conciliation and Arbitration Commission brought down the national wage decision which provided for a CPI increase of 4.3 per cent, ratified by the Victorian Commission from 6 October 1983. A further CPI adjustment of 4.1 per cent was ratified on 6 April 1984.

CONCILIATION AND ARBITRATION BOARDS AWARDS, VICTORIA

Date operative (a)	Adult males		Adult females	
	General increase in weekly award total wage	Minimum weekly wage	General increase in weekly award total wage	Minimum weekly wage
		\$		\$
1975 - 15 May	3.6 per cent	80.00	3.6 per cent	72.00
30 June (b)	..	80.00	..	80.00
18 September	3.5 per cent	82.80	3.5 per cent	82.80
1976 - 15 February	6.4 per cent	88.10	6.4 per cent	88.10
1 April	\$5.00	93.10	\$5.00	93.10
15 May	(c) 3.0 per cent	95.90	(c) 3.0 per cent	95.90
15 August	(d) 1.5 per cent	98.40	(d) 1.5 per cent	98.40
22 November	2.2 per cent	100.60	2.2 per cent	100.60
1977 - 31 March	\$5.70	106.30	\$5.70	106.30
24 May	(e) 1.9 per cent	108.30	(e) 1.9 per cent	108.30
22 August	2.0 per cent	110.50	2.0 per cent	110.50
12 December	1.5 per cent	112.20	1.5 per cent	112.20
1978 - 28 February	(f) 1.5 per cent	113.90	(f) 1.5 per cent	113.90
7 June	1.3 per cent	115.40	1.3 per cent	115.40
12 December	4.0 per cent	120.00	4.0 per cent	120.00
1979 - 27 June	3.2 per cent	123.80	3.2 per cent	123.80
1980 - 4 January	4.5 per cent	129.40	4.5 per cent	129.40
14 July	4.2 per cent	134.80	4.2 per cent	134.80
1981 - 9 January	3.7 per cent	139.80	3.7 per cent	139.80
7 May	3.6 per cent	144.80	3.6 per cent	144.80
1983 - 6 October	4.3 per cent	151.00	4.3 per cent	151.00
1984 - 6 April	4.1 per cent	157.50	4.1 per cent	157.50

(a) Operative from the beginning of the first pay period commencing on or after the date shown.

(b) Final stage introduction of the minimum weekly adult male wage for adult females. Rates operative from the beginning of the pay period in which 30 June 1975 occurs.

(c) Maximum increase \$3.80 per week.

(d) Minimum increase \$2.50 per week.

(e) Maximum increase \$3.80 per week.

(f) Maximum increase \$2.60 per week.

Ministry of Industrial Affairs

The Victorian Government established the Ministry of Industrial Affairs in 1983 in order to secure the effective implementation and co-ordination of all measures conducive to the industrial welfare of the State.

As the leading agency in the resolution of all industrial affairs matters, ensuring implementation of the Victorian Government's policies throughout the public sector it undertakes negotiations and performs advisory, liaison, and policy development functions. It also assumes responsibility for the development, maintenance, and co-ordination of appropriate tribunals for the determination of wages and conditions of employment.

On 13 December 1983 the *Industrial Relations Act* 1979 was amended to empower Conciliation and Arbitration Boards to order re-instatement of employees whose dismissal was harsh, unjust, or unreasonable. In addition, Boards were empowered to determine matters relating to retrenchments or redundancies arising out of the introduction of technological change or other cause.

Victorian industrial jurisdiction outside the Industrial Relations Commission

A number of Victorian Tribunals operate in the Victorian Public Sector, separate from the *Industrial Relations Act* 1979. They are the Hospitals Remuneration Tribunal, the Public Service Board, the Police Service Board, the Post Secondary Education Remuneration Tribunal, and the Victorian Teaching Service Conciliation and Arbitration Commission. All have been established under individual legislation. The first mentioned is presided over by the President of the Industrial Relations Commission and has adopted its wage fixation principles. The second has adopted a modified version of the wage fixation principles and the Teaching Service Commission conducts negotiations with the emphasis on compulsory conciliation and voluntary arbitration.

Hours of work

Following the ratification of the Metal Industry Agreement by the Australian Conciliation and Arbitration Commission on 18 December 1981, there has been a general movement by Conciliation and Arbitration Boards to introduce a 38 hour week into their respective awards.

At 31 October 1984, 109 Conciliation and Arbitration Boards had implemented a 38 hour week.

Leave conditions

Annual leave

From 1936, when the Commonwealth Court of Conciliation and Arbitration granted one week's annual leave on full pay to employees in the commercial printing industry, annual leave has been introduced industry by industry when and if the Judge responsible for the industry considered it proper.

The Commonwealth Conciliation and Arbitration Commission declared its judgement on annual leave on 18 April 1963 and varied the Metal Trades Award by granting three weeks annual leave. This provided a new standard for secondary industry in other Federal awards.

Following this decision, individual Victorian Wages Boards commenced to alter provisions of their determinations to grant employees an extra week's leave. At 31 October 1984, there were 197 determinations which provided four weeks annual leave.

The minimum provision remains at three weeks. The Labour and Industry (Annual Holidays) Order 1967, operative from 1 April 1967, provides for three weeks paid annual leave to employees not covered by an award of a Conciliation and Arbitration Board or of the Industrial Relations Commission.

From 1 January 1973, employees of the Victorian Public Service and workers in Victorian Government instrumentalities were granted four weeks annual leave.

As a result of the decision of the Commonwealth Conciliation and Arbitration Commission in October 1972 to grant a 17½ per cent annual leave loading to those employed under the Metal Industry Award, there has been a steady increase in the number of Wages Boards granting this benefit. At 31 October 1984, there were 190 determinations which provided for a loading of 17½ per cent on annual leave payments.

Officers of the Victorian Public Service were awarded a 17½ per cent loading from 31 December 1973.

Long service leave

Commonwealth

The applicability of long service leave provisions under State law to workers under Federal awards has been tested before the High Court and the Privy Council and such provisions have been held to be valid.

Before 1964, the Commonwealth Conciliation and Arbitration Commission had not included provisions for long service leave in its awards. The Commission gave its judgement on the Long Service Leave Case on 11 May 1964. The main provisions of the judgement were that in respect of service after 11 May 1964 (or in New South Wales, 1 April 1963) entitlement to the first period of long service leave would be calculated at the rate of thirteen weeks for fifteen years unbroken service, and after a further period or periods of ten years, employees would be entitled to an additional pro rata period of leave calculated on the same basis.

Victoria

The *Factories and Shops (Long Service Leave) Act* 1953 first provided for long service leave for workers in Victoria. The provisions of this Act were subsequently incorporated in the Labour and Industry Act, which provided for thirteen weeks leave after twenty years continuous service with the same employer. In 1965, the qualifying period was reduced to fifteen years. From 1 January 1979, the Act was amended to provide an automatic entitlement to pro rata long service leave after ten years service, except in cases of dismissal by the employer for serious and wilful misconduct. Provision for long service leave for workers generally is now contained in the *Industrial Relations Act* 1979.

However, under the *Building Industry Long Service Leave Act* 1975, portability of long service leave between employers in the building and construction industry was introduced. This enables many employees to qualify for long service leave who would otherwise be unable to establish a period of sufficient service to qualify.

Under the *Public Service Act* 1974 officers and employees of the Victorian Public Service are entitled to three months long service leave after ten years service.

Surveys of annual leave and long service leave taken

Surveys conducted in February 1969 and August 1974 by the Australian Bureau of Statistics obtained information about the amount and timing of paid annual leave taken by wage and salary earners during a twelve month period. In May 1979, a survey was conducted by the Australian Bureau

of Statistics in order to obtain information about the amount and timing of paid annual leave and long service leave taken by employees during the period from May 1978 to April 1979. Findings from this survey appear in the Australian Bureau of Statistics publication *Annual and Long-Service Leave, May 1979* (6317.0).

Further reference: *Victorian Year Book* 1980, p.202

AWARD RATES OF PAY INDEXES AND HOURS OF WORK

Incidence of industrial awards, determinations, and collective agreements

In April 1954, May 1963, May 1968, May 1974, and May 1976 the Australian Bureau of Statistics conducted surveys in order to determine the approximate proportions of employees covered by awards, determinations, and collective agreements under the jurisdiction of Commonwealth and State industrial authorities. The proportions of employees not so covered (including those working under unregistered industrial agreements) were also obtained. For details of the major results from these surveys, see pages 227-8 of the *Victorian Year Book* 1980.

Award rates of pay indexes

The award rates of pay indexes replace the previously published series *Wage Rates, Australia* (6312.0) and are based on the occupation structure existing in May 1976. Based on a representative sample of award designations, the indexes are designed to measure trends in rates payable under awards. The base period chosen for the indexes is June 1976. Estimates of minimum award rates of pay for each component of the series are expressed as index numbers with June 1976 = 100.

More detailed information including explanatory notes, definitions, etc. used in the indexes is contained in the Australian Bureau of Statistics publication *Award Rates of Pay Indexes, Australia* (6312.0).

AWARD RATES OF PAY INDEXES (a)

Year	Adult males		Adult females	
	Australia	Victoria	Australia	Victoria
1978	123.3	123.3	123.2	122.9
1979	129.9	130.1	126.4	127.7
1980	144.8	145.1	144.6	143.2
1981	166.6	166.4	164.3	162.1
1982	186.0	186.9	183.5	184.3
1983	194.0	195.2	192.7	194.5

(a) Base: weighted average weekly wage rate for Australia, 1976 = 100.

AWARD RATES OF PAY INDEXES (a), INDUSTRY GROUPS, VICTORIA

Industry group	At end of December—					
	1978	1979	1980	1981	1982	1983
ADULT MALES						
Mining	123.7	129.8	146.8	162.8	181.2	189.0
Manufacturing —	124.3	131.9	148.1	170.5	188.6	197.6
Food, beverages, and tobacco	122.9	129.3	144.1	162.7	180.0	188.8
Metal products, machinery, and equipment	125.0	134.1	147.2	176.4	191.6	200.5
Basic metal products	124.4	133.5	147.8	161.2	183.6	191.5
Fabricated metal products, other machinery and equipment	127.3	136.5	150.0	179.9	195.3	205.0
Transport equipment	122.4	131.4	144.0	174.0	188.3	198.4
Other manufacturing (b)	124.5	130.2	148.1	164.9	187.7	197.3
Electricity, gas, and water	121.7	129.3	144.4	164.8	187.9	199.1
Construction	124.3	131.7	149.9	171.0	189.8	200.2
Wholesale trade	125.6	131.1	145.9	168.3	185.0	196.5
Retail trade	123.4	127.9	145.7	160.4	185.4	195.3
Transport and storage	123.1	130.4	143.1	164.8	176.9	185.5
Communication	121.1	130.3	142.9	164.7	187.4	195.8
Finance, property, and business services	121.8	128.8	142.7	164.6	181.1	191.3
Public administration and defence (c)	121.0	125.4	142.1	161.8	181.2	189.3
Community services	121.4	127.1	141.8	156.7	186.3	194.9

AWARD RATES OF PAY INDEXES (a), INDUSTRY GROUPS, VICTORIA — *continued*

Industry group	At end of December—					
	1978	1979	1980	1981	1982	1983
ADULT MALES — <i>continued</i>						
Recreation, personal, and other services	122.7	126.6	144.9	159.5	183.7	191.6
All industries (d)	123.3	130.1	145.1	166.4	185.9	195.2
ADULT FEMALES						
Manufacturing —	124.0	129.1	145.1	164.9	185.3	194.8
Food, beverages, and tobacco	122.9	126.8	142.6	161.4	179.4	189.4
Textiles, clothing, and footwear	123.5	127.4	144.2	160.8	184.2	192.7
Metal products, machinery, and equipment	125.9	134.5	147.6	179.1	193.2	202.7
Other manufacturing (b)	123.7	128.0	146.6	159.1	183.9	195.0
Wholesale trade	123.4	127.8	144.4	163.0	179.6	193.9
Retail trade	122.8	126.7	143.8	160.0	179.8	193.6
Transport and storage	124.2	129.6	142.7	166.6	181.5	191.8
Communication	121.9	129.4	140.9	167.0	177.7	185.4
Finance, property, and business services	122.4	127.9	143.7	163.2	180.5	191.9
Public administration and defence (c)	121.4	125.5	142.2	164.8	181.6	189.4
Community services	121.8	126.4	140.0	156.8	188.6	197.5
Recreation, personal, and other services	122.8	126.8	144.0	159.3	181.8	193.1
All industries (d)	122.9	127.7	143.2	162.1	184.3	194.5

(a) Base: weighted average minimum weekly award rate, June 1976 = 100.

(b) Includes ASIC Subdivisions 25, 28, and 34.

(c) Excludes serving members of the defence forces.

(d) Excludes serving members of the defence forces, agriculture, services to agriculture, and employees in private households employing staff.

Frequency of pay

In August 1974, 1976, 1977, 1978, and annually since 1981, special surveys were conducted by the Australian Bureau of Statistics of the frequency of pay (whether weekly, fortnightly, or monthly) of wage and salary earners employed, by industry and occupation.

EMPLOYED WAGE AND SALARY EARNERS, FREQUENCY OF PAY
VICTORIA, AUGUST 1984

Particulars	Frequency of pay						Total (a)	
	Weekly		Fortnightly		Monthly			
	'000	per cent	'000	per cent	'000	per cent	'000	per cent
Males	489.0	56.1	275.0	31.5	94.4	10.8	872.0	100.0
Females	285.2	50.2	241.2	42.4	30.0	5.3	568.1	100.0
Persons	774.2	53.8	516.2	35.8	124.3	8.6	1,440.1	100.0

(a) Includes individuals paid at other intervals.

NOTE. For further information, see Australian Bureau of Statistics publication *Weekly Earnings of Employees (Distribution)*, August 1984 (6310.0).**Standard hours of work***Introduction*

In the fixation of weekly wage rates most industrial tribunals prescribe the number of hours constituting a full week's work for the wage rates specified. In 1914, the 48 hour week was the recognised standard working week for most industries.

In 1927, the Commonwealth Court of Conciliation and Arbitration granted a 44 hour week to the Amalgamated Engineering Union and intimated that this reduction in standard hours of work would be extended to industries operating under conditions similar to those in the engineering industry. However, the subsequent economic depression delayed the extension of the standard 44 hour week until improvement in economic conditions made possible a general extension to employees under Australian awards.

40 hour week

Soon after the end of the Second World War, applications were made to the Commonwealth Court of Conciliation and Arbitration for the introduction of a 40 hour week. The judgement, given on 8 September 1947, granted the reduction to 40 hours from the start of the first pay period in January

1948. In Victoria, the Wages Boards incorporated the shorter working week in their determinations. From the beginning of 1948, practically all employees in Australia whose conditions of labour were regulated by industrial authorities had the advantages of a standard working week of 40 hours or, in certain cases, less.

In the 1952-53 Basic Wage and Standard Hours Inquiry, the employers sought an increase in the standard hours of work per week claiming it to be one of the chief causes of inflation. (See Commonwealth Arbitration Report, Vol. 77, page 505.) The Court found that the employers had not proved that the existing economic situation called for a reduction of general standards in the matter of the ordinary working week.

Weekly hours of work

The number of hours constituting a full week's work (excluding overtime) differs in some instances between various trades and occupations and between the same trades and occupations in the several States. The particulars of weekly hours of work given in the following tables relate to all industry groups except rural, shipping, and stevedoring. These groups are excluded because for earlier years the hours of work for some of the occupations included were not regulated either by awards or determinations of industrial tribunals or by legislation. As a result, the necessary particulars for the computation of average working hours for these groups are not available.

WEEKLY HOURS OF WORK (EXCLUDING OVERTIME) ADULT MALES, INDUSTRY GROUPS (a), VICTORIA

Industry group	Hours of work (b)			Index numbers (c)		
	31 March 1939	31 March 1948	31 December 1980	31 March 1939	31 March 1948	31 December 1980
Mining and quarrying (d)	44.34	40.52	40.00	111.0	101.4	100.10
Manufacturing –						
Engineering, metals, vehicles, etc.	44.05	40.00	39.97	110.2	100.1	100.03
Textiles, clothing, and footwear	44.40	40.03	40.00	111.1	100.2	100.10
Food, drink, and tobacco	44.82	40.12	40.00	112.2	100.4	100.10
Sawmilling, furniture, etc.	44.37	40.00	40.00	110.0	100.1	100.10
Paper, printing, etc.	43.68	39.94	39.94	109.3	99.9	99.96
Other manufacturing	44.02	39.97	39.96	110.2	100.0	100.01
All manufacturing groups	44.19	40.05	39.98	110.6	100.2	100.04
Building and construction	44.18	40.00	40.00	110.6	100.7	100.10
Railway services	43.96	39.97	39.96	110.0	100.0	100.00
Road and air transport	46.70	40.10	40.00	116.9	100.4	100.10
Communication	44.00	40.00	38.27	110.1	100.1	95.78
Wholesale and retail trade	45.47	40.11	40.00	113.8	100.4	100.10
Public authority (n.e.i.) and community and business services	42.75	38.93	38.93	107.0	97.4	97.43
Amusement, hotels, personal service, etc.	45.86	40.03	40.00	114.8	100.2	100.10
All industry groups (a)	44.46	40.03	39.90	111.3	100.2	99.85

For footnotes, see the foot of the next table.

WEEKLY HOURS OF WORK (EXCLUDING OVERTIME), ADULT FEMALES, INDUSTRY GROUPS (a), VICTORIA

Industry group	Hours of work (b)			Index numbers (c)		
	31 March 1951	30 June 1953	31 December 1980	31 March 1951	30 June 1953	31 December 1980
Manufacturing –						
Engineering, metals, vehicles, etc.	39.87	39.87	39.87	100.5	100.5	100.5
Textiles, clothing, and footwear	40.00	40.00	40.00	100.8	100.8	100.8
Food, drink, and tobacco	40.00	40.00	40.00	100.8	100.8	100.8
Other manufacturing	39.94	39.94	39.94	100.7	100.7	100.7
All manufacturing groups	39.97	39.97	39.97	100.8	100.8	100.8

**WEEKLY HOURS OF WORK (EXCLUDING OVERTIME)
ADULT FEMALES, INDUSTRY GROUPS (a), VICTORIA — continued**

Industry group	Hours of work (b)			Index numbers (c)		
	31 March 1951	30 June 1953	31 December 1980	31 March 1951	30 June 1953	31 December 1980
Transport and communication	37.94	37.94	37.94	95.6	95.6	95.6
Wholesale and retail trade	40.00	40.00	40.00	100.8	100.8	100.8
Public authority (n.e.i.) and community and business services	39.25	39.25	39.25	98.9	98.9	98.9
Amusement, hotels, personal service, etc.	39.94	39.94	39.94	100.7	100.7	100.7
All industry groups (a)	39.81	39.81	39.81	100.3	100.3	100.3

(a) Excludes rural industry, shipping, and stevedoring for males and females, and also mining and quarrying and building and construction for females.

(b) The figures shown should not be regarded as actual current averages but as indexes expressed in hours, indicative of trends.

(c) Base: weighted average for Australia, year 1954 = 100.

(d) For mining, the average hours of work are those prevailing at the principal mining centres.

NOTE: Weighted average standard hours of work (excluding overtime) for a full working week and index numbers of hours of work.

Work patterns of employees

A special survey conducted by the Australian Bureau of Statistics in November 1976 obtained information about the work patterns of employed wage and salary earners, including the number of days worked in a week, the days on which they worked, and the incidence of weekend work. Findings from the survey appear in the Australian Bureau of Statistics publication *Work patterns of employees*, November 1976 (6328.0).

Further reference: *Victorian Year Book 1980*, p. 207

Average weekly earnings

Statistics on average weekly earnings are produced quarterly, and since the September quarter 1981 have been based on employment and earnings information obtained from a sample survey of employers. Prior to September 1981 estimates on average weekly earnings were derived by the Australian Bureau of Statistics from particulars of employment and of wages and salaries recorded on pay roll tax returns, from other direct collections and from estimates of the unrecorded balance. A summary of the main differences in concepts, methods, and coverage of the old and the new earnings series is available in the publication *Information Paper: Average Weekly Earnings — New Series to Replace Former Payroll Tax Based Series* (6336.0), issued 24 March 1982.

**AVERAGE WEEKLY EARNINGS OF EMPLOYEES (a)
(\$)**

Period	Males		Females		Persons	
	Victoria	Australia	Victoria	Australia	Victoria	Australia
1981-82	292.80	303.60	199.20	199.20	255.40	262.60
1982-83	332.70	338.00	225.80	222.00	289.90	292.00
1983-84	362.90	366.50	249.80	242.30	317.90	316.70

(a) Includes, in addition to wages at award rates, earnings of salaried employees, overtime earnings, over-award and bonus payments, payments made in advance or retrospectively during the period specified, etc.

NOTE: For a number of reasons, average weekly earnings per employee cannot be compared with the minimum award rates of pay shown on page 231.

Surveys of wage rates, earnings, and hours of employees

Since 1960, regular surveys have been conducted by the Australian Bureau of Statistics in order to obtain information on wage rates, actual weekly earnings, and hours of work. Summary details of most of the surveys have been shown in previous editions of the *Victorian Year Book*, for example on pages 223-6 of the 1979 edition. Surveys are currently conducted each quarter (March, June, September, and December), supported by surveys conducted every August and every second May which provide more detailed information on the characteristics of the earnings of employees, and particulars of individual surveys are available in separate publications issued by the Australian Bureau of Statistics.

Survey of employment benefits

During the period from February to May 1979, a special survey was conducted by the Australian Bureau of Statistics in order to obtain information about a range of employment benefits provided by

employers to employees. An employment benefit was defined as a concession, allowance or other privilege, etc., received in addition to wages or salary and award, etc., minimum provisions under which a person was employed. All types of wage and salary payments, including bonuses, payments for leave of various kinds, and over-award payments, as well as emoluments received in accordance with award, etc., provisions (e.g. safety clothing), were not considered to be benefits for the purposes of the survey. The mere availability of or entitlement to a benefit (as defined) was not sufficient reason for its inclusion in the information collected; only those benefits which were used or taken up were actually counted.

Major findings from the survey are published on page 208 of the *Victorian Year Book* 1982.

INDUSTRIAL CONDITIONS

Control of labour conditions

Early legislation

The earliest attempt at regulating the conditions of labour in Victoria was made by the passing of an Act dated 11 November 1873, forbidding the employment of any female in a factory for more than eight hours in any day. This Act defined 'factory' to be a place where not fewer than ten persons were working. Since 1873, the definition of 'factory' has been broadened until now it includes any place in which mechanical power exceeding 0.4 kilowatts is in use or in which two or more persons are engaged in any manufacturing process. In some circumstances, one or more persons constitute a factory even where no mechanical power is used. The general recognition of the necessity of securing the health, comfort, and safety of the workers has been expressed in many further legislative enactments. The industrial legislation which was formerly included in the Factories and Shops Acts was consolidated in the *Labour and Industry Act* 1958. In 1981, industrial safety legislation was removed from the *Labour and Industry Act* 1958 and re-enacted, incorporating new concepts, in the *Industrial Safety Health and Welfare Act* 1981.

Victorian Department of Labour and Industry

The Department of Labour and Industry was established under the *Labour and Industry Act* 1958 and is now primarily responsible for the achievement of prescribed standards of non-physical conditions of employment, the registration of shops, regulation of the making, distribution, and retailing of bread, ensuring all employees are covered by appropriate insurance policies for occupational accidents and diseases, and the regulation of retail trading hours. To this end, the Department is involved in the inspection and enforcement of matters involving wages, hours of work, trading hours for shops, rest periods, holidays, annual leave, long service leave, and similar matters.

Industrial disputes

The collection of information relating to industrial disputes involving stoppage of work was initiated by the Australian Bureau of Statistics in 1913 and estimates have been published regularly since then.

For the purposes of these statistics an industrial dispute is defined as a withdrawal from work by a group of employees or a refusal by an employer or a number of employers to permit some or all of their employees to work; each withdrawal or refusal being made in order to enforce a demand, to resist a demand, or to express a grievance. Stoppages of work not directly connected with terms and conditions of employment (e.g. political matters, and fining and gaoling of persons) are included in the statistics.

The statistics relate only to disputes involving stoppages of work of ten man-days or more *in the establishments where the stoppages occurred*. Effects on other establishments because of lack of materials, disruption of transport service, power cuts, etc., are not measured by these statistics.

The statistics of industrial disputes are compiled from data obtained from the following sources: (1) direct collections from employers and trade unions concerning individual disputes; (2) reports from government departments and authorities; (3) reports of Commonwealth and State industrial authorities; and (4) information contained in trade journals, employer and trade union publications, and newspaper reports. Particulars of some stoppages (e.g. those involving a large number of establishments) may be estimated and the statistics therefore should be regarded as giving a broad measure of the extent of stoppages of work (as defined).

An industrial dispute occurring in more than one State is counted as a separate dispute in each State. A dispute involving workers in more than one industry group in a State or Territory is counted once

only in the number of disputes – in the industry group that has the largest number of workers involved; but workers involved, working days lost, and estimated loss in wages are allocated to their respective industry groups. Disputes not settled at the end of a year are included as new disputes in the statistics for the following year.

INDUSTRIAL DISPUTES (a), INDUSTRY GROUPS, VICTORIA

Year	Mining	Manufacturing	Construction	Transport (b)		Other industries	All groups
				Stevedoring	Other		
NUMBER OF DISPUTES							
1978	1	182	31	32	23	34	303
1979	4	182	40	17	22	60	325
1980	7	155	45	27	30	51	315
1981	4	207	34	19	46	66	376
1982	6	137	36	21	12	54	266
1983	5	109	29	13	15	60	231
WORKERS INVOLVED (DIRECTLY AND INDIRECTLY) ('000)							
1978	1.8	128.7	16.7	18.3	29.7	31.7	227.0
1979	4.3	243.1	52.0	10.3	82.0	269.8	661.5
1980	4.9	271.7	14.8	9.3	57.8	179.8	538.3
1981	5.3	214.3	47.9	11.8	39.0	86.5	404.9
1982	0.4	80.7	10.8	6.2	1.8	17.4	117.2
1983	0.8	26.2	17.2	3.9	23.6	32.0	103.7
WORKING DAYS LOST ('000)							
1978	1.9	275.9	57.0	39.3	50.9	43.1	468.1
1979	20.2	701.9	173.6	23.7	199.4	367.4	1,486.1
1980	15.8	687.0	49.2	22.2	85.2	256.0	1,115.4
1981	22.2	755.6	106.2	23.1	140.2	188.2	1,235.5
1982	4.5	252.7	60.6	5.4	2.6	42.2	368.0
1983	8.8	74.4	47.2	4.1	49.4	73.8	257.7

(a) Refers only to disputes involving a stoppage of work of ten man-days or more.

(b) Transport and storage; communication.

NOTE: These statistics are compiled according to the Australian Standard Industrial Classification (ASIC) and are not comparable with those published in *Victorian Year Books* before the 1977 edition.

Survey of working conditions

During the period February to May 1979, a special survey was conducted by the Australian Bureau of Statistics in order to obtain information about employees' attitudes to, or opinions of, selected aspects of their working conditions. For the purpose of the survey, 'working conditions' were defined as those aspects of the working situation which directly affected employees and which had an influence on their overall satisfaction with their jobs. The attitudes of employees to individual aspects of work were assessed by classifying their responses on the basis of frequency of occurrence or degree of satisfaction.

Summary findings from the survey on the overall level of job satisfaction are published on page 210 of the *Victorian Year Book* 1982.

Industrial safety

Industrial injuries, like other injuries, cause human suffering and personal loss, and the original approach to industrial safety was based on humanitarian motives. More recently it has been realised that industrial accidents also cause economic loss to the community. Efforts for the prevention of accidents must be directed along three lines: to make the working environment safer; to educate persons to work more safely; and to have recourse to law where appropriate. Several departments and authorities have statutory responsibilities for particular aspects of industrial safety, but the general responsibility in the past has rested with the Department of Labour and Industry through the provisions of the *Labour and Industry Act* 1958, and more recently through the provisions of the *Industrial Safety, Health and Welfare Act* 1981.

At the end of 1981, the Victorian Parliament passed industrial safety, health, and welfare legislation which replaced the safety provisions of the existing *Labour and Industry Act* 1958. The legislation provides for the appointment of an Industrial Safety, Health and Welfare Advisory Council and also contains provisions relating to the appointment of safety supervisors, safety representatives, and safety committees in workplaces. The Act introduced new concepts for the attainment of a better standard of safety, health, and welfare in the workplace. Emphasis is placed on the necessity for

consultation and co-operation between all parties in the workplace where safety is the responsibility of employers and employees.

Sections 1, 5, 6, 7, 8, 9, and 10 of the Act were proclaimed to come into operation from 22 March 1982. The remaining provisions, except sections 4(2) and 11(3) became operational on 1 July 1982. The two remaining provisions concern the application of the Act to the building industry and the requirements for the formulation and display of statements of safety policy by employers.

The Regulations proclaimed under the *Industrial Safety, Health and Welfare Act 1981* maintain in operation the provisions of the *Labour and Industry Act 1958* which were repealed by the new Act.

The Industrial Safety, Health and Welfare Advisory Council which was established on 22 March 1982 replaces the Industrial Safety Advisory Council. It comprises a chairman and ten members and has the same broad representation as the previous Council with the addition of the rural industry.

The Ninth Victorian Industrial Safety Convention was held from 10 to 12 August 1982 on the theme of 'Tomorrow's Technology and the Health of the Workers'. Conducted every three years, the Convention has been a successful avenue for the co-operation and involvement of industry, commerce, employer and employee organisations, private enterprise, government departments, and public utilities.

The 1982 Convention provided an avenue for identifying potential hazards in the workforce and in finding ways in which they could be avoided. The coming together of all the various parties concerned, enables them to pool their knowledge and resources and take away new ideas to be put into practice in their respective fields.

All the papers presented at the Convention were consolidated into a volume to be known as *Papers of the Victorian Industrial Safety Convention – Volume 1*. This is part of a plan to develop a reference work for all who have an interest in industrial safety.

Workers compensation

Legislation has been provided by all States and Australian Territories for compensation to be paid to injured workers including Commonwealth Government employees. The details which follow refer to the legislation in effect in Victoria.

The first workers compensation legislation in Victoria was passed in 1914 to give certain industrial workers and their dependants the right to claim limited compensation from their employer, without proof of negligence or breach of statutory duty by the employer, in respect of accidental injuries sustained by them arising out of, and in the course of, their employment.

The scope of the original legislation has been widened by numerous amendments and consolidated in the *Workers Compensation Act 1958*. The general principle of this Act is to provide coverage for workers who have entered into, or work under, a contract of service or apprenticeship with an employer. Such workers are protected during travel to and from work, recess periods, and from injury by the recurrence, aggravation, or acceleration of pre-existing injury where employment is a contributing factor.

In line with recommendations made in 1977 by a Board of Inquiry, the *Workers Compensation (Miscellaneous Provisions) Act 1979* increased weekly compensation and death benefit rates by about 44 per cent, and provided for an annual adjustment of such benefits from 1 July of each year. The Act eliminated 'split action' claims whereby upon the death of the breadwinner the family could be compensated twice, by different dependants taking separate action under the Workers Compensation Act on the one hand and common law (Wrongs Act) on the other. Also altered was the definition of 'injury' to tighten guidelines for assessing damages, especially those based on heart attack or stroke cases. After a period of industrial unrest caused by the introduction of these amendments, the Victorian Government eliminated the requirement that the employment must 'contribute substantially' to the injury or disease and substituted a requirement of contribution 'to a recognisable degree'.

During 1981, various changes were made to the Workers Compensation Act. A new division relating to industrial deafness was inserted. The legislation was also altered to provide for uniformity of protection for Victorian workers employed outside Victoria irrespective of whether employed by the private or public sector.

Another significant amendment passed was the *Workers Compensation (Actions) Act 1981* which, among other things, gave the claimant the option of seeking compensation under the Workers Compensation Act or instituting proceedings under common law while still being assured in total of no less than that allowed under the *Workers Compensation Act 1958*.

Following the Report of the Board of Inquiry into Workers Compensation in Victoria (see pages 229-31 of the *Victorian Year Book* 1979), major changes were enacted to workers compensation legislation in Victoria. These developments are described on pages 224-8 of the *Victorian Year Book* 1981.

An adjustment to the annual indexation provisions was effected by the *Workers Compensation (Benefit Rates) Act* 1982 while the *Workers Compensation (Amendment) Act* 1984 made a number of changes in the area of industrial deafness and provided for an increase in payments pursuant to the table appended to section 11(1) of the Act (so-called table of maims) and for future indexation of these payments.

In July 1983 a Committee of Inquiry into the Victorian Workers Compensation System was appointed. The Committee submitted its Report in June 1984 and proposed a number of major changes to the current workers compensation system. Its recommendations included:

- (1) an increased emphasis on accident prevention through speedy implementation of the proposed Occupational Health and Safety legislation;
- (2) that employers be encouraged through premium rating to take safety measures in the workplace;
- (3) a number of proposals with regard to the provision of rehabilitation facilities and the training of suitable staff in the context of a five year plan to move Victoria to a rehabilitation orientated compensation system;
- (4) a majority view that there continue to be a multiplicity of insurers operating on a funded basis;
- (5) that both approved insurers and self-insurers be required to meet very strict requirements as a condition of continuing authority to conduct employers' liability business;
- (6) a number of changes to the process of determining contested claims including the appointment of conciliators, exchange of medical and surveillance reports, and the administrative approval of agreed settlements;
- (7) a majority view that, within the statutory compensation scheme, apart from section 11 (table of maims) benefits, lump sum payments should only be available in situations where, in the opinion of the Board, they would be of special benefit to the worker or where the periodic payment would be small; similarly that the common law negligence action be abrogated;
- (8) that the benefits of the Workers' Compensation Act be extended to outworkers;
- (9) that an injured worker be allowed a trial return to work without prejudice to future compensation claims;
- (10) that the Victorian Government negotiate the transfer of medical and hospital expenses for workers compensation patients to Medicare.

The *Workers Compensation (Amendment) Act* 1984 made changes to the workers compensation system in a number of areas. First, it requires the employer of a partially incapacitated worker to provide suitable employment for that worker during his partial incapacity. If the employer fails to do so, the worker shall be compensated as if his incapacity for work were total unless the insurer or, in certain cases the Insurance Commissioner, provides or arranges for such suitable employment, having regard to the worker's incapacity and place of abode. Second, it institutes a new procedure concerning the commencement of weekly payments. This requires an employer to commence weekly payments no later than twenty-one days after the worker has lodged with him a medical certificate together with a claim in writing by the worker for compensation. An employer who disputes his liability to make weekly payments may apply to the Board within the same twenty-one day period for an order that he is not required to commence such payments on the grounds of the existence of a genuine dispute as to the liability or the extent of the liability of the employer to make weekly payments. It is provided however that the term 'genuine dispute' does not include a dispute as to a worker's capacity for employment. Third, there are provisions which permit an injured worker to return to work for a maximum period of three months without losing his right to weekly payments should he cease to work again because of his injury. Fourth, a provision requiring a penalty payment to a worker where an employer fails to make a weekly payment on or before the day he is required to do so, and another provision making it an offence for an employer not to comply with an existing requirement that weekly payments be made at intervals of not more than two weeks. Finally, there are a number of machinery items and changes to clarify existing provisions in the principal Act.

Industrial accidents statistics

The official collection of data on industrial accidents in Victoria was first undertaken by the Australian Bureau of Statistics when regulations under the Workers Compensation Act were amended

in 1957. Comprehensive details in respect of the year 1974-75 can be found on pages 233-5 of the *Victorian Year Book* 1979.

However, publication of Victorian *Industrial Accidents* and *Workers Compensation* bulletins (6302.2) was suspended from 1975-76 until 1983-84 following investigations into the quality of these statistics undertaken by the Australian Bureau of Statistics.

In the case of industrial accidents statistics, the investigations showed that, due to reporting practices adopted by some insurance companies, there had for some time been under-reporting of cases which should have been included in the statistics, and that the degree of under-reporting might have fluctuated from year to year. The statistics therefore did not provide an accurate count of the total number of cases which were either fatal or involved a period of incapacity of one week or more. Nor did they accurately measure year to year trends in those totals. Because of this, the statistics were not of sufficiently high quality to be published by the Australian Bureau of Statistics. In addition, the investigations showed that workers compensation statistics have suffered from reporting and other difficulties and were not of the standard required for publication.

Collection of workers compensation statistics ceased in 1981, as a result of the Commonwealth Government's Review of Commonwealth Functions. However, collection of data on industrial accidents is continuing and measures have been taken in order to bring the statistics up to an acceptable level of quality. A new system for collecting the data was instituted by the *Workers Compensation (Amendment) Act* 1981 and the Workers Compensation (Amendment) Regulations 1982 commenced from 1 January 1983.

An ABS information paper entitled *New Industrial Accidents Collection, Victoria* was released during 1984. The paper provides some background on the new system and describes the conceptual, definitional, and methodological features. The paper also presents a summary of industrial accidents occurring in Victoria for the six months ending 30 June 1983, and the limitations users should consider in analysing and interpreting the statistics. This has been followed by a new publication entitled *Industrial Accidents and Diseases, Victoria, 1983-84* (6303.2) which was released in May 1985.

Further reference: *Industrial accidents, Victorian Year Book* 1979, pp. 231-5

Industrial Training Commission

With the introduction of the *Industrial Training Act* 1975, the Apprenticeship Commission was superseded by the Industrial Training Commission. The later legislation, besides consolidating and updating previous legislation dating back to 1927, allowed for an expansion of activities beyond the limits of the previous legislation, which was restricted to the regulation and oversight of the training of apprentices.

While the original Act under which the Commission operated was passed by the Victorian Parliament in 1927, it was not proclaimed until 1928 when the Commission was brought into being.

Apprenticeship, as it has been in the past, remains the principal means of training skilled tradesmen in Victoria. However, the *Industrial Training Act* 1975 provided for 'pre-apprenticeship training' and 'adult training'. On 22 December 1981, the *Industrial Training (Further Amendment) Act* 1981 came into operation and amended the Principal Act to also provide for 'pre-vocational trainees', 'trainee technicians', and tradesman accreditation.

The legislation is designed to utilise the knowledge, ability, and experience of representatives of employers and employees, together with the Victorian Government, in supervising the training of persons undertaking pre-apprenticeship courses, apprenticeship, and adult training courses, and in co-ordinating the training in skilled trades both in technical schools and industry.

The further Amendment Act amended the constitution of the Commission as well as expanding its function. The Commission now consists of fourteen members comprised of a full-time president, a deputy president nominated by the Minister for Employment and Training, a nominee of the Minister of Education (with expertise in technical and further education), a nominee of the Commonwealth Minister of Employment and Industrial Relations, five members representing employers, and five members representing the Victorian Trades Hall Council.

The duties of the Commission are to keep under review the requirements of Victoria for skilled tradesmen and technicians; the availability of skilled tradesmen and technicians to meet those requirements; the availability of young persons for training in skilled trades or as technicians; the availability of vacancies for apprentices, pre-apprenticeship trainees, adult trainees, pre-vocational trainees, trainee technicians, and the extent to which employers are participating in the training of such apprentices, trainees, and trainee technicians; the adequacy of the training of apprentices, pre-apprenticeship trainees, adult trainees, pre-vocational trainees, and trainee technicians in

employers' workshops, technical schools, or elsewhere, and measures which can be taken to improve that training; the adequacy of the apprenticeship system as a means of training skilled tradesmen and the desirability of modifying that system or of providing other systems of training for skilled occupations; and with respect to any further or continuing training or re-training – which skilled tradesmen or technicians may undertake after completion of an apprenticeship or a course of training as a technician (as the case may be) – the adequacy of such further or continuing training or retraining in employers' workshops, technical schools, or elsewhere and measures which can be taken to improve that training.

The Commission is assisted in its functions by trade committees which are appointed under the Act for a trade or group of trades. These committees provide specialist advice and make recommendations to the Commission on matters pertaining to the trades for which they are appointed. At 30 June 1984, there were 54 committees functioning in respect of more than 100 proclaimed apprenticeship trades. The Commission is also assisted in its work by special advisory committees which have been set up in country areas to advise the Commission on local matters pertaining to industrial training. Twenty such advisory committees were operating at 30 June 1982.

The total number of apprentices in training at 30 June 1983 declined to 38,382 compared to the previous year's figure of 41,155, and decreased further to 36,633 at 30 June 1984. The relatively low numbers in training are due to the large number of apprentices who completed their training during this period after relatively high numbers were indentured in 1979 and 1980, and to the effects of the economic recession. However, the number of apprentices commencing in training in the first quarter of 1984-85 was the highest for several years.

The numbers of apprentices in training would no doubt have been even lower during the period which has seen record numbers of unemployed. The effectiveness of Commonwealth assistance under the Special Assistance Program, which provides funds for employers experiencing work shortage problems to retain their apprentices, and also encourages employers to engage out-of-trade apprentices, has cushioned the impact of the recession on apprenticeship employment.

The Commonwealth Rebate for Apprentice Full-Time Training (CRAFT) and the Victorian Government's responsibility for workers compensation for first year apprentices and for other apprentices in respect of their attendance at prescribed trade classes, have also been important factors in maintaining levels of apprenticeship employment during the downturn.

The Victorian Government also provides a special rebate of pay roll tax in respect of wages paid to first year apprentices, and exempts pay roll tax for *all* apprentices employed by Group Apprenticeship Schemes.

Introduction of the State Additional Apprenticeship Scheme in 1983 has been important in providing apprenticeship positions in State departments and instrumentalities for those represented in 'disadvantaged' labour force groups such as females, disabled persons, migrants, Aborigines, etc. It is proposed to provide 900 positions for apprentices in disadvantaged groups under the Scheme between 1983 and 1986.

A significant administrative change involved the employment of an additional fifteen apprenticeship supervisors in 1983. This has facilitated greater supervision of trade training in apprenticeship and other areas of training responsibility, and the placement of many out-of-trade apprentices in employment.

The implementation of group apprenticeship schemes is an innovation which has increased the number of apprentices in training by extending apprentice training opportunities to a larger number of firms. Normally group schemes operate on behalf of small firms which individually have neither the training facilities nor suitable work to provide adequate employment and training opportunities for apprentices. However, participation of some larger firms can be beneficial in broadening the scope of training available. At 30 June 1984 there were thirteen group schemes in operation.

Consistent with the Victorian Government's desire to maintain an adequate and skilled workforce, provision has been made for the Commission to issue tradesmen's certificates to persons who have not completed in Victoria, in any apprenticeship trade, an apprenticeship or a course of training as an adult trainee. The Commission must be satisfied that the person's skills, experience, or qualifications gained through his employment in Victoria or elsewhere provide him with the skills or expertise necessary for the performance of the work ordinarily performed by a skilled tradesman in that apprenticeship trade in Victoria.

While the Act does not limit the Commission's power to recognise tradesmen of specific occupations, it is not intended that the Commission will issue tradesmen's certificates in trades covered by the Tradesmen's Rights Regulation Act or licensing authorities.

The proclaimed apprenticeship trades and the number of probationers and apprentices employed at 30 June for each of the years 1979 to 1984 are shown in the following table. These figures have been extracted from the annual reports of the Commission.

NUMBER OF PROBATIONERS AND APPRENTICES EMPLOYED, VICTORIA

Trade	At 30 June -					
	1979	1980	1981	1982	1983	1984
Building trades -						
Sprinkler fitting	—	—	—	—	24	32
Plumbing and gasfitting	2,336	2,257	2,061	2,037	1,878	1,815
Carpentry and joinery	3,887	3,865	3,574	3,404	3,008	2,812
Painting, decorating, and signwriting	737	789	754	728	681	646
Plastering	46	45	41	39	51	54
Fibrous plastering	179	172	146	153	142	127
Bricklaying	520	440	441	455	362	333
Tile laying	47	55	53	57	53	46
Stonemasonry	23	21	21	26	28	31
Roof slating and tiling	114	86	93	92	79	125
Total building trades	7,889	7,730	7,184	6,991	6,306	6,021
Metal trades -						
Locksmithing	—	—	—	—	18	28
Engineering (including patternmaking)	4,672	5,196	5,319	5,427	4,849	4,218
Electrical	3,906	4,146	4,190	4,323	4,184	4,026
Motor mechanics	5,401	5,330	5,013	5,079	4,525	4,377
Moulding	166	190	181	165	128	92
Boilermaking and/or steel construction	1,616	1,819	2,016	2,169	1,966	1,670
Sheetmetal	700	799	837	863	747	638
Electroplating	75	90	80	65	45	40
Aircraft mechanics	136	144	174	172	138	120
Radio tradesmen	369	387	402	417	377	370
Instrument making and repairing	222	252	278	302	301	285
Silverware and silverplating	27	22	19	17	11	13
Vehicle industry (including automotive machining)	2,120	1,981	1,856	1,843	1,723	1,693
Refrigeration mechanics	284	326	340	370	322	287
Optical fitting and surfacing	96	85	83	84	85	99
Sewing machine mechanics	82	81	84	90	78	72
Total metal trades	19,872	20,848	20,872	21,386	19,497	18,028
Food trades -						
Breadmaking and baking	179	180	178	202	222	219
Pastrycooking	240	264	273	293	291	266
Butchering and/or smallgoods making	933	881	850	920	913	907
Cooking	1,058	1,236	1,451	1,691	1,745	1,849
Waiting	34	48	67	72	83	76
Total foods trades	2,444	2,609	2,819	3,178	3,254	3,317
Miscellaneous -						
Footwear	163	184	206	190	153	140
Printing	1,460	1,608	1,615	1,619	1,474	1,315
Hairdressing	2,376	2,373	2,471	2,613	2,688	2,771
Dental technicians	179	184	161	148	141	140
Watch and clockmaking	59	40	29	26	21	13
Furniture (including wood machining)	1,391	1,397	1,433	1,677	1,563	1,621
Flat glass working	168	159	140	145	125	118
Horticultural	787	1,056	1,119	1,217	1,176	1,173
Textile mechanics	120	121	129	117	106	98
Shipwrighting and boatbuilding	47	49	47	43	34	30
Drycleaning	29	32	31	35	28	28
Apparel cutting	66	72	75	86	80	77
Jewellery making and repairing	132	122	128	152	131	123

NUMBER OF PROBATIONERS AND APPRENTICES EMPLOYED, VICTORIA — *continued*

Trade	At 30 June —					
	1979	1980	1981	1982	1983	1984
Floor finishing and covering	106	87	72	81	85	81
Agriculture	945	1,126	1,297	1,368	1,447	1,445
Floristry	28	51	62	69	55	72
Other	—	—	—	14	18	22
Total miscellaneous	8,056	8,661	9,015	9,600	9,325	9,267
Grand total	38,261	39,848	39,890	41,155	38,382	36,633

INDUSTRIAL ORGANISATION

Registration

1. *Under the Victorian Industrial Relations Act.* Under the *Industrial Relations Act* 1979, any association of employers and any association of employees may apply to be recognised as an association under the Act with respect to any trade or trades for which a Conciliation and Arbitration Board has been constituted. Recognition gives an association the right to nominate members for appointment to Boards; to appear before the Commission or a Board in matters that affect the interests of members of the association; and to enter into industrial agreements provided for under Part IV of the Act. Recognition within the terms of the Act does not impute or confer corporate status on an association.

2. *Under Victorian Trade Union Acts.* In 1884, the Victorian Parliament passed a Trade Union Act, based on an English Act of three years earlier. The unions refused to register under it and the Act was amended in 1886. The *Trade Unions Act* 1958 still makes provision for registration on compliance with certain standards. Registration gives a trade union a corporate identity and legal status for the purpose of engaging in strikes. However, registration has never been compulsory and few unions have sought the provisions of the legislation. The number of trade unions registered under the Act at the end of 1981 was 22, with a membership of 16,785 persons.

3. *Under the Commonwealth Conciliation and Arbitration Act.* Under Part VIII of the Conciliation and Arbitration Act 1904, any association of employers in any industry who have, or any employer who has employed, on an average taken per month, not less than 100 employees during the six months preceding application for registration, or any association of not less than 100 employees in any industry, may be registered. However, the Public Service Arbitration Act provides that an association of less than 100 employees may be registered as an organisation under the Conciliation and Arbitration Act if its members comprise at least three-fifths of all persons engaged in that industry in the Service. Such public service organisations are included in the figures shown on page 243. Registered unions include both interstate associations and associations operating within one State only. Registration under Commonwealth Government legislation began in 1906. At 31 December 1981, the number of employers' organisations registered under the provisions of the Conciliation and Arbitration Act was 82. The number of unions of employees registered at the end of 1981 was 150, with a membership of 2,442,500 persons, representing 82 per cent of the total membership of all trade unions in Australia.

Trade unions

By comparison with some other countries, the typical trade union in Australia is quite small. On the other hand, forty to fifty of the larger unions, such as the Australian Workers Union, the Australian Metal Workers Union, the Australian Railways Union, and the Postal Workers Union, account for a high percentage of the total membership. The same pattern applies in Victoria. The larger industry based unions are usually able to offer a wider range of facilities to their members at a proportionately lower cost. Generally, they are also in a stronger bargaining position in the pursuit of their industrial objectives. On the other hand, it is felt that the continued existence of a large number of small craft-type unions is justified on the grounds that more attention can be given to the particular problems of members and that management is often prepared to make concessions to a small group which they would not offer to a larger group. With the growth of industry, there has been some amalgamation and federalisation of unions, for example, by the amalgamation of the brushmakers with the storemen and packers, and the Amalgamated Engineering Union with the sheetmetal workers and the boilermakers. Contemporary conditions are such that trade unions are becoming hybrid and moving more towards an

occupational rather than a single or even multi-craft organisational basis. One alternative to amalgamation which has been adopted by a number of unions is to band together in a loose federation to deal with employers on an industry basis. The metal trades, brewing industry, paper industry, and building industry unions are typical of those that have followed this course.

Victorian trade unions usually have three clearly identifiable operational levels. The union is represented at the plant or factory level by a shop steward who enrolls members, collects dues, and acts as the intermediary between ordinary members and union management. The centre of individual trade union activity and control is at the State or branch level. Normally the State Secretary is an elected full-time officer who is, subject to the policy decisions and ultimate control of an honorary president and executive, in charge of the day to day activities of the union. The secretary has the assistance of organisers who visit the individual plants and confer with shop stewards and members. The branches receive members' dues, maintain membership records, and provide personal services, such as giving advice on workers compensation and interpreting members' entitlements under the various determinations and awards. Where necessary, the union will either act, or provide legal assistance, for members in industrial matters. Many of the claims which are ultimately heard before industrial tribunals are also prepared at the State branch level.

Only a small number of Victorian trade unions are not affiliated with the Victorian Trades Hall Council, which is the central labour organisation in the State, and, because individual union activity is so important at the State level, the role of the Trades Hall Council as co-ordinator and spokesman in industrial and political matters is of major significance (see the section on central labour organisations below). Further details on the history of trade unions in Victoria can be found on pages 296-7 of the *Victorian Year Book* 1975.

Statistics

Returns showing membership by States at 31 December for each year are obtained for all trade unions and employee organisations by the Australian Bureau of Statistics. The affairs of single organisations are not disclosed in the published results and this has assisted in securing complete information. In addition to the number of unions and members, the following table shows the approximate percentages of wage and salary earners in employment (i.e. employees) who are members of trade unions. The percentages shown in the table should be regarded as giving only a broad indication of the extent of union membership among employees, because they are based on estimates of *employed* wage and salary earners which may be subject to revision, and because the degree of unemployment of reported union members will affect the percentages for a particular year, and comparisons over time.

TRADE UNIONS, NUMBER AND MEMBERSHIP, VICTORIA

At 31 December -	Number of separate unions	Number of members			Proportion of total employees		
		Males	Females	Persons	Males	Females	Persons
		'000	'000	'000	per cent	per cent	per cent
1978	174	511.2	224.3	735.5	60	43	53
1979	174	514.5	235.5	750.0	(a)59	(a)44	(a)53
1980	173	523.6	246.6	770.1	(a)59	(a)45	(a)53
1981	173	522.9	248.8	771.7	(a)58	(a)45	(a)53
1982	175	533.4	256.7	790.1	(a)61	(a)46	(a)55
1983	174	529.1	259.1	788.2	(a)61	(a)45	(a)54

(a) From 1979, based on employment estimates from the Australian Bureau of Statistics labour force survey. For previous year, based on employment estimates from the now abandoned civilian employees series.

In November 1976, questions were asked by the Australian Bureau of Statistics at a proportion of the dwellings included in the then quarterly population survey to obtain information about the number of wage and salary earners who were members of trade unions, their industry and occupation, and some of their demographic characteristics. Major findings from the survey are shown on page 233 of the *Victorian Year Book* 1981.

Further reference: *Victorian Year Book* 1984, pp. 185-7

Central labour organisations

Delegate organisations, usually known as Trades Hall Councils or labour councils and consisting of

representatives from a number of trade unions, have been established in each of the capital cities and in a number of other centres in each State. Their revenue is raised by means of a per capita tax on the members of each affiliated union. In most of the towns where such councils exist, the majority of the local unions are affiliated. At the end of 1983, there were eight provincial trades and labour councils in Victoria.

The Victorian Trades Hall Council Executive consists of the president, vice-president, secretary, assistant secretary, and sixteen members. Of these members, seven are elected by the Council and nine by respective industry groups. With the exception of trade unions which have amalgamated since 1 January 1973, no union, irrespective of size, can nominate more than six delegates to attend the meeting. Those unions which have amalgamated since 1973 are at present entitled to the same representation they enjoyed before amalgamation. The secretary and the assistant secretary, who are elected full-time officers, are also members of the Executive and with the two Industrial Officers are *ex officio* members of committees established by Council to investigate various activities.

The Australian Council of Trade Unions and the Victorian Trades Hall Council have also introduced an Art and Working Life Programme employing a co-ordinator, a researcher, and ten artworkers to carry out basic research and implementation of arts programmes designed to involve workers and their families in participating in arts projects. An Information and Resource Centre has been established with two joint co-ordinators, a library resource officer, an education liaison officer, and a community liaison officer (ethnic) to provide information and resources to the community and Trades Hall Council affiliates.

In addition to its overall responsibilities, the Council through its Disputes Committee controls strikes which involve more than one union. At the national level the highest policy-making and co-ordinating body is a Federal Council in the case of the individual trade unions and, since its establishment in 1927, the Australian Council of Trade Unions, which acts for the trade union movement as whole.

Employers' associations

Employers' associations arise when groups of employers agree among themselves to adopt a common labour policy, to negotiate common terms of employment, and to be represented jointly on or before industrial tribunals. These functions are in fact, often performed by bodies which are concerned also with other objectives, such as the elimination of 'unfair' trading practices, the enforcement of standards of professional conduct, or the granting of tariff protection and other political concessions. Such objectives are by no means unrelated to industrial matters, since there is an obvious connection between the terms on which goods can be sold and the wages that can be paid to those who have helped to produce them. In some organisations, however, these wider objectives overshadow or supplant the purely industrial. A broad distinction may, therefore, be drawn between: (1) employers' associations in the narrower sense of bodies largely, if not primarily, concerned with industrial matters; and (2) other associations with predominantly different objectives, such as chambers of commerce, professional institutes, primary producers' unions, and many trade associations.

Employers' associations, as defined in the former category, first appeared in Victoria in the 1850s, notably in the building trade and the coachbuilding industry. The associations formed at that time, however, seem to have been temporary, their main purpose being to resist pressure for an eight hour day by the early trade unions. 'Continuous' or permanent associations of employers did not appear until the 1870s. The Master Builders' Association dates from 1875 and the Printing and Allied Trades Employers' Association from 1882. The Victorian Chamber of Manufactures (which changed its name to the Australian Chamber of Manufactures in 1985) was established in 1877 with the additional objective of influencing tariff policy as well as resisting union pressure. Similarly the Victorian Employers' Union (which later changed its name to the Victorian Employers' Federation) was established in 1885 with the additional objective of influencing factory legislation. Both these organisations also aimed at covering not one, but a range of industries or trades in the State, their membership basis thus being geographical rather than industrial.

A great stimulus to the growth of employers' associations in Victoria followed the establishment of the Wages Boards system, particularly during the first two decades of the twentieth century. Associations of Master Wheelwrights and Blacksmiths, Master Drapers, Master Hairdressers, and Master Grocers all followed closely upon the establishment of Wages Boards in their respective trades. Employers had to unite in order to nominate their representatives on the boards. Since it

became permissible in 1934 for paid officials to represent employers, many associations have nominated officers of the Chamber of Manufactures or of the Victorian Employers' Federation to represent them on the State Wages Boards. These organisations have thus become federations of industry or trade associations as well as including many firms as individual members.

Employers' associations in Victoria at the present time may be divided into three groups. One group is constituted by the Victorian Chamber of Manufactures and 95 associations that are dependent on it for secretarial services or at least operate within it. The Chamber also has nearly 6,000 member firms or companies divided into 60 industry sections, covering such fields as textiles, clothing and footwear, metals, building materials, and various service industries. The Chamber is incorporated as a company limited by guarantee, and is registered with the Commonwealth Conciliation and Arbitration Commission. It is administered by five elected office bearers, a council of thirty elected members, and a full-time director and chief executive, supported by a secretariat of 170, divided into several divisions. The Chamber's industrial relations division acts for its members before both State and Commonwealth industrial authorities. The Chamber has also always taken an active part in promoting tariff protection and in addition it has more recently become involved in other areas of economic policy, environmental matters, trade practices legislation, occupational health and safety, and workers' compensation. It also operates an insurance company and a wide variety of advisory commercial services, including manpower training, for its members. For the benefit of country members, the Chamber maintains branches in Ballarat, Bendigo, Geelong, Gippsland, and Albury-Wodonga.

A second group is constituted by the Victorian Employers' Federation, with which 88 incorporated associations are affiliated. The Federation has over 3,600 member firms or companies operating principally in the building, distributive, and service industries, as distinct from, but not excluding, manufacturing. Several associations of primary producers are also affiliated to the Federation. The Federation is an incorporated body registered with the Commonwealth Conciliation and Arbitration Commission. It is administered by an executive committee which comprises seven present or past office bearers (who constitute its Board of Governors) and ten elected representatives. Day to day management is in the hands of a salaried secretary-executive director and a staff which is organised in divisions corresponding to the Federation's main areas of interest, and which also undertakes secretarial services on behalf of some of its affiliated organisations. Like the Chamber of Manufactures it has an industrial relations division which represents members before both State and Commonwealth industrial bodies but unlike the Chamber it is not directly involved in tariff matters. It is, however, active in providing advisory services to small businesses, in organising personnel training courses particularly at the supervisory level, in presenting submissions to State and Commonwealth Governments, and in sponsoring various community services. The Federation also operates an insurance company, a life assurance company, and a building society for the benefit of its members and affiliated associations.

A third group of employers' associations are not associated with either the Chamber or the Federation. One of the most important is the Metal Trades Industries Association which was formed by firms that found their interests increasingly different from those of the Chamber of Manufactures and therefore defected in 1970. In common with some of the other independent associations, the Metal Trades Industries Association is an interstate organisation, and as such is mainly concerned with the Commonwealth industrial jurisdiction rather than with the Victorian Wages Boards. Most interstate organisations must rely on their Federal Secretariats to represent them before Commonwealth tribunals since very few specifically Victorian associations are registered for this purpose, other than the Chamber of Manufactures, the Victorian Employers' Federation, and the Victorian Automobile Chamber of Commerce, the latter being affiliated with the Employers' Federation but maintaining its own secretariat.

Finally, it may be noted that, unlike the trade union movement, employers' associations lacked any central representative organisation until the mid-1970s. At the State level, the Victorian Employers' Federation then sponsored the Victorian Congress of Employer Associations, which has made a series of submissions to government on behalf of employers generally. Greater significance perhaps attaches to developments at the Federal level where in 1977 the Confederation of Australian Industry was created by the merger of the Associated Chambers of Manufactures of Australia and the Australian Council of Employers' Federations, the long established Federal counterparts of the Victorian bodies. The confederation originally had two operational wings. One was the Industrial Council, concerned with industrial relations and located in Melbourne. The other was the Trade Council, concerned with

government policy in general, and tariffs in particular, and located in Canberra.

Following the 1983 Federal election, tripartite consultations between government, trade unions, and the business community became increasingly common, but it was difficult for the Confederation to speak for business as a whole. This was partly because the chief executives of the larger companies took little or no part in its activities. In September 1983 a group of sixty chief executives established the Business Council of Australia, absorbing the Australian Industry Development Association, which had been founded in Melbourne in 1919 as a research organisation primarily to promote protectionist policies. Despite potential rivalry however, the Business Council co-operated with the Confederation in the 1984 National Wage Case.

Another difficulty experienced by the Confederation was that of accommodating the interests and views of manufacturers, particularly in the metal trades, with those of employers in the primary and tertiary sectors. Several employers' associations in these sectors defected from the Confederation, but manufacturers still complained that they had no national voice. The Confederation was therefore restructured in 1985, its Canberra based Trade Council being divided into a Commerce and Industry Council and a separate Manufacturing Council. At about the same time the Victorian Chamber of Manufactures, which is an affiliate of the Confederation, changed its name to become the Australian Chamber of Manufactures. The Chamber's reasons for its name change were that it was the only surviving Chamber of Manufactures, those in the other States having been amalgamated with other organisations; that many of its members were companies or associations that operated on an interstate basis; and that, being registered under the Commonwealth Arbitration Act, much of its activity was directed to national wage and employment matters.

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