

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 showed that Federal awards covered 50.8 per cent of Victorian employees compared with 35.6 per cent under State determinations. Federal coverage of male employees (57.5 per cent) and State coverage of females (53.9 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 relation 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.

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), and the adoption of indexation, a wage fixation system which incorporates regular reviews of wage rates for movements in the Consumer Price Index (1975).

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, nine Deputy Presidents, and 21 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 being made 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 and an annual hearing to review movements in national productivity. The indexation package was based on twin expectations:

- (1) That there would be substantial compliance with the guidelines laid down; and
- (2) that other increases in labour costs would be negligible.

Full percentage wage adjustment continued until February 1976. Since then, with economic recession continuing, the increases reflected by quarterly movements in the Consumer Price Index have usually been discounted in some way. The Commission has, however, refused to accept arguments, including those put by the Commonwealth Government, that the state of the economy precludes any increase in wages.

The Commission is required by the Act to take into account the economic effects of its decisions with particular reference to employment and inflation. While stressing that its primary function is to settle disputes, the Commission has always maintained that due and proper weight has been given to the economic consequences of its actions.

In a review of its role, in May 1976, the Commission made the following observations:

"First, the Commission is a body independent of governments, unions and employers. It should not be seen as an arm of government which formulates wage decisions simply to 'fit in' with economic policy. The Commission treats all submissions on their merit.

“Second, in relation to the Commonwealth’s submission that in the present circumstances we should give greater weight to economic considerations, while the distinction between economic and industrial arguments is useful for analytical purposes, the economic consequences of any decision which the Commission makes on wages cannot be evaluated in isolation from the industrial consequences, because of their interaction. In practice, the task of the Commission is to weigh all the relevant considerations in order to come to a decision which may reasonably be expected to produce the best overall result. What may appear from a certain viewpoint to be the best wage decision for economic recovery, may turn out to be wrong when industrial considerations are brought to bear on the decision.”

While the basic structure of the indexation package was confirmed following a full-scale review of the indexation package in 1977-78 (see special article on pages 211-12), a decision was made to substitute six monthly hearings for quarterly hearings.

In 1979, there was a marked increase in disputation and award wage movements outside national cases. The Commission considered abandoning the package in the light of these developments, but was persuaded not to do so by the unanimous support of all parties and interveners for continuation of a centralised system and the absence of any viable alternative.

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 improving determined wages and conditions of work in the “sweated” industries. This legislation was originally of a social character but has developed into a system of industrial relations which now determines wages and conditions of work for about one-third of wage and salary earners in Victoria. Although the system has expanded from the original four Boards to more than two hundred Boards, the fundamental principles underlying its operation have remained largely unaltered since inception.

Wages Boards are established under the provisions and amendments of the *Labour and Industry Act* 1958. Each Board covers a particular group or category of workers working in either a specific trade, a branch of a trade, or a related group of trades. The Boards can decide any industrial matter with the major exception that they cannot determine preference for unionists. There is no provision for the registration of unions or employer associations within the Board system. The Boards are required to give consideration to any appropriate decision made by the Commonwealth Conciliation and Arbitration Commission. The Boards will usually follow major changes (for example, national wage cases) made in relevant Commonwealth awards but there are many areas of wages and conditions where the Boards act as a lead sector. The determination of a Board applies as a minimum standard for all workers in the State in that particular category unless the worker is already covered by a Federal award. This is the “common rule” aspect of the system. The determinations of the Board operate as a rule of law with enforcement by inspectors of the Department of Labour and Industry.

* The present Victorian jurisdiction system of Wages Boards and an Industrial Appeals Court is being replaced in 1981 by an Industrial Relations Commission, which will provide one unified, co-ordinated State industrial system. The president of the Commission took up his appointment on 2 June 1981, and the Commission is expected to be fully operating by September 1981. The work of the new Commission will be described fully in the 1982 edition of the *Victorian Year Book*.

Each Board consists of an independent chairman, and an equal number of employee and employer representatives. A panel of chairmen share the responsibility for all Boards. Members must be either actually engaged in the trade covered by the Board, or officers, officials, or employees of unions or employer associations concerned with the trade. At Board meetings matters are raised for determination in the form of a motion which is then discussed and debated by the 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. Procedures are determined by the chairman and the meetings are conducted with a minimum of formality and an absence of legalism.

Matters are decided before the Board by majority vote with each member (including the chairman) having one vote. The primary aim of the chairman is to facilitate agreement but if there is a deadlock he then may exercise his vote as a form of arbitration. He cannot impose a compromise decision on the parties, for he is limited to voting for or against the motion which is finally put. However, the casting vote is needed in only a small minority of cases as agreement is the more general outcome of Board meetings.

The appellate body is the Industrial Appeals Court, comprising the President (a judge of County Court status) and two lay members—one representing employers and one representing employees. As a result of a judgment in the Supreme Court, the Labour and Industry Act was amended by the *Labour and Industry (Industrial Appeals Court) Act 1977* to make the lay members advisory members only. They do not participate in the making of any decision or determination. All questions of law and fact are determined by the President who makes all decisions and determinations and gives all directions required to be made by the Court. The Court hears references by the Minister on matters which are common and affecting more than one Wages Board; references for advice by the Minister about the appointment, abolition, or membership of a Wages Board; cases regarding interpretation of determinations of Wages Boards or of the Court; and appeals against decisions of the Wages Boards.

Appeals to the Court from a decision of the Wages Board may be made by a majority of employer or employee representatives on the Board, by a trade union or employer organisation, or by the Minister in the public interest. Any other aggrieved party (for example, a consumer group) may seek leave of the Court to appeal against a decision of a Board. The Minister may also intervene in any appeal before the Court in the public interest. Decisions of the Court are final.

For more than seventy years, employers and employees covered by determinations of Wages Boards and the Industrial Appeals Court have been served by the system with protection and consideration for the public interest and a minimum of delay and at a relatively low cost. In more recent years, under the influence of the Board chairmen, Boards have been emphasising the conciliation aspects of the system and the early settlement of industrial disputes and, in particular, the use of the provisions of section 41 (2) of the Labour and Industry Act has expanded. This section provides for the notification of a dispute to the chairman of the appropriate Board who is then required to call a meeting of the Board immediately. These procedures have shown increasing effectiveness in handling day to day disputes which generally affect only a section of the Wages Board determination, or a section of the labour force covered by a particular determination.

The *Labour and Industry (Wages Board Determinations) Act 1975* enables the monitoring of determinations of Wages Boards to ensure that wages increases provided in determinations fall within the principles outlined by the Commonwealth Conciliation and Arbitration Commission in the National Wage Cases of April and September 1975.

It has five main aims:

- (1) It removes the limit on the number of chairmen of Wages Boards that may be appointed;
- (2) it provides that a chairman of a Wages Board shall furnish the Minister with documents and any information on the business of the Board he may require for the proper conduct of his public business—this is essential for the effective carrying out of the monitoring role by the Minister;

(3) it allows the Minister to refer to the Industrial Appeals Court for determination a matter which requires to be determined by more than one Wages Board—the existing provision allows such a reference when the matter requires to be determined by ten or more Wages Boards;

(4) it gives the Minister an additional power to bring Wages Board determinations before the Industrial Appeals Court—the Minister may request the review of a determination where no appeal is lodged and the determination will be deemed not to have come into operation; and

(5) it requires the chairman to state the grounds upon which he based his decision where his vote carries the resolution, or where the determination is made without his vote to give his approval and state his reasons.

Amendments made to the *Labour and Industry Act 1975* in 1978 repealed the provisions of the principal Act dealing with outside workers and conferred on Wages Boards the power to determine all matters relating to the issuing or giving out of any material whatsoever for the purpose of goods being wholly or partly manufactured outside a factory.

During 1979, there were 98 meetings of Wages Boards called under section 41 (2) of the *Labour and Industry Act 1958* to deal with 68 disputes.

The relative infrequency of appeals from Wages Boards decisions perhaps indicates a degree of satisfaction by all parties with the actual results which emerge from the Victorian Wages Boards system which in recent years has shown its ability to slowly evolve in terms of the legislative framework and administrative operation without compromising the basic principles of direct participation, informality, and conciliation.

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 Wages Boards for industries which do not extend beyond the State boundary.

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 1980 edition of the *Victorian Year Book*.

Background

Total wage

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 Consumer Price Index was introduced. The Commission also announced its intention to consider each year the effect of productivity for total wage awards.

Inquiry into the principles of wage fixation

The wage indexation system was the subject of a comprehensive examination between May 1977 and September 1978. During the National Wage Case of March 1977, the President of the Commonwealth Conciliation and Arbitration Commission called for an inquiry into the principles of wage fixation to begin after the hearing of the May 1977 National Wage Case. Initially, the parties met in conference under the chairmanship of the President of the Commission and reached a measure of agreement. Outstanding matters were argued before a seven person Full Bench. In the result the principles were expanded and refined but the basic structure of the wage indexation package remained unchanged.

The matters discussed in the inquiry were:

- (1) Whether the total wage system should continue or whether a two-tier system of wages would be preferable;
- (2) the use of an index as a satisfactory method for adjusting wages;
- (3) the adequacy of the Consumer Price Index for wage fixation purposes and, if it was inadequate, what other index was more adequate;
- (4) the period between general wage reviews both if the total wage was retained and if a two-tier system was found to be preferable;
- (5) whether any other current guidelines should be altered; and
- (6) any other relevant issue that any party or intervener may wish to raise.

At the conclusion of the inquiry in April 1978, the President of the Commission published a report which set out the area of consensus reached and, in addition, recorded the area on which no consensus was reached. The report also included the submissions of the participating parties in the inquiry. Consensus was achieved in the following areas:

- (1) Wages should continue to be expressed as, and dealt with as, total wages;
- (2) National Wage Cases should continue to be at the core of a methodical system of wage fixation;
- (3) economic considerations, including unemployment and inflation, are relevant issues in National Wage Cases; and
- (4) the Consumer Price Index is the best measure available of increase in the price of consumer goods and services purchased by wage and salary households.

The inquiry had a significant influence on the September 1978 National Wage Case which resulted in a number of changes to the wage indexation package. The Commission in this Wage Case decided that hearings should be conducted six monthly, rather than quarterly, since such a change could provide an impetus to economic recovery while having little cost to wage and salary earners. In addition, provisions were added to cover existing and new allowances, service increments, first awards, extensions of existing awards, and inequities arising from employees being paid different rates for the same work. It was decided not to include over-award payments.

The Commission decided that any decision to discount the Consumer Price Index to take into account Commonwealth Government policy measures should be left to the particular Bench faced with such an application and a decision made in the light of it.

The Commission ruled that catch up wage claims from previous partial indexation decisions were unjustified, because such a decision could result in parties seeking corrections of all past decisions, therefore placing a strain on the system. Also, the Commission stressed that any compression of relativities which had occurred would not provide grounds for special wage increases to correct the compression.

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, 1979-80

The increases in the Consumer Price Index for the June quarter 1979 and September quarter 1979 were 2.7 per cent and 2.3 per cent, respectively. A number of grounds were raised for discounting: the oil price increase, lack of substantial compliance with the wage indexation guidelines, the economic and social effects of industrial disputation, and the economic effects of work value increases. After considering all the evidence, the Commission decided to discount by 0.5 per cent for the effect on the Consumer Price Index of the Commonwealth Government's oil parity pricing policy and the rise in the price of imported oil, because of its concern to try to assist in slowing down inflation. Accordingly, the January 1980 national wage decision was that all award wages and salaries should be increased by 4.5 per cent.

The increases in the Consumer Price Index for the December quarter 1979 and March quarter 1980 were 3.0 per cent and 2.2 per cent, respectively. Those opposing full indexation advanced several grounds for discounting: the effects of the oil levy and health care financing, work value increases, lack of substantial compliance, and the economic effects of industrial disputes. The Commission again decided to discount on the basis of the calculated direct effect of the Commonwealth Government's oil levy on the Consumer Price Index, this time by a factor of 0.6 per cent. As well, the Commission decided to discount by a further 0.5 per cent because of the increased cost to industry and the economy of recent widespread industrial disputation. The July 1980 national wage decision was, therefore, to increase all award wages and salaries by 4.2 per cent.

MELBOURNE—AWARD WAGE RATES: FEDERAL AWARDS

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	3.0 per cent (c)	95.90	3.0 per cent (c)	95.90
15 August	1.5 per cent (d)	98.40	1.5 per cent (d)	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	1.9 per cent (e)	108.30	1.9 per cent (e)	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	1.5 per cent (f)	113.90	1.5 per cent (f)	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

(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.

Equal pay

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

Victorian Wages Boards determinations

Apart from 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 Board Determinations in accordance with variations in retail price index numbers, Wages Boards in determining wage rates had adopted Commonwealth basic wage rates.

Since July 1966, when the Conciliation and Arbitration Commission decided to insert rates of minimum wage for adult males into Federal awards, Wages Boards have followed these prescriptions, and since 7 August 1967 the total wage concept with the consequent elimination of basic wage and margins from Wages Boards Determinations has applied, and total wages for adult males and adult females have been increased by similar amounts to those awarded to Federal award employees.

In December 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 C.23900/80—9

adult male minimum wage initially, increasing to 90 per cent by 30 September 1974, and to 100 per cent by 30 June 1975.

There were 218 Wages Boards at 31 December 1980.

VICTORIA—WAGES BOARDS DETERMINATIONS

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
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1 April	\$5.00	93.10	\$5.00	93.10
15 May	3.0 per cent (c)	95.90	3.0 per cent (c)	95.90
15 August	1.5 per cent (d)	98.40	1.5 per cent (d)	98.40
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(d) Minimum increase \$2.50 per week.

(e) Maximum increase \$3.80 per week.

(f) Maximum increase \$2.60 per 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 judgment 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 November 1980, there were 192 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 a determination of a Wages Board or of the Industrial Appeals Court.

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 numbers of Wages Boards granting this benefit. At November 1980, there were 185 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 judgment on the Long Service Leave Case on 11 May 1964. The main provisions of the judgment 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.

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. Summary findings from this latter survey are as follows:

VICTORIA—ALL EMPLOYEES (a) : NUMBER OF WEEKS OF PAID ANNUAL LEAVE (b) TAKEN, MAY 1978 TO APRIL 1979

Particulars	Number of weeks									Total
	Less than one	1	2	3	4	5	6	7	8 and over	
Number of employees ('000)	453.6	66.9	149.7	193.6	356.0	62.4	31.8	12.2	67.8	1,394.0
Per cent of total	32.5	4.8	10.7	13.9	25.5	4.5	2.3	0.9	4.9	100.0

(a) In May 1979.

(b) Annual leave (also referred to as recreation leave, holiday leave, vacation leave) is a period (usually four weeks) of paid absence from work for leisure or recreational purposes to which an employee becomes entitled each year after a continuous period of service with one employer or in an industry, as specified in awards, etc.

VICTORIA—NUMBER OF WEEKS OF LONG SERVICE LEAVE (a) TAKEN BY EMPLOYEES AGED 25 YEARS AND OVER, MAY 1978 TO APRIL 1979

Particulars	Number of weeks				Total
	1-2	3-4	5-8	9 and over	
Number of employees ('000)	7.7	12.5	10.3	6.6	37.1
Per cent of total	20.7	33.7	27.8	17.8	100.0

(a) Long service leave (or furlough) is a period of paid absence from work to which an employee becomes entitled after a number of years of continuous service with one employer, or in an industry, the initial entitlement usually being three months after ten or fifteen years service, as specified in Federal or State legislation.

NOTE. For further information, see Australian Bureau of Statistics publication *Annual and long-service leave, May 1979* (6317.0).

RATES OF WAGE AND HOURS OF WORK

Incidence of industrial awards, determinations, and collective agreements

In April 1954, May 1963, May 1968, and May 1974, 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 1980 edition of the *Victorian Year Book*.

Wage rates

The Australian Bureau of Statistics first collected information on current wage rates for different callings and for occupations in various industries in 1913. Early in 1960, new indexes of minimum weekly wage rates for adult males and females (base 1954 = 100) were introduced to replace the old series of nominal weekly wage rate index numbers for adult males and females with 1911 and 1914, respectively, as base years. In general, this revision was necessary to match changes in the industrial structure.

The wage rates used in the compilation of the indexes are the lowest rates for a full week's work (excluding overtime) prescribed for particular occupations. In the majority of cases, the rates are prescribed in awards or determinations of Federal or State industrial authorities or in collective agreements registered with them. Rates prescribed in unregistered collective agreements are used where these are dominant in the particular industries to which they refer.

The wage rate indexes are based on the occupation structure existing in 1954. Weights for each industry and each occupation were derived from two sample surveys made in that year. The first was the Survey of Awards in April 1954, which showed the number of employees covered by individual awards, determinations and collective agreements, and provided employee weights for each industry as well as a basis for the Survey of Award Occupations made in November 1954. This second survey showed the number of employees in each occupation within selected awards, etc., in the various industries, thereby providing occupation weights.

The minimum wage rates used in the indexes are for representative occupations within each industry. They have been derived entirely from representative awards, determinations, and collective agreements in effect at the end of each period commencing with March 1939 for adult males and March 1951 for adult females. By using the industry and occupation weights derived from the surveys described above, rates were combined to give weighted averages for each industry group for each State and Australia. Because of coverage difficulties the rural industry is not included in the indexes. A list of the major awards used in the compilation of the wage rates index for adult males, together with explanatory notes, was shown in the July 1974 and August 1974 editions of the Australian Bureau of Statistics publication *Wage rates and earnings* (6312.0). The industry weighting pattern of the indexes is shown in the 1973 edition of the *Labour Report*.

The indexes are designed to measure trends in wage rates in current awards, etc., excluding the effects of changes in the relative importance of industries, awards, and occupations. The weighted average wage rates shown in the tables are therefore indexes expressed in money terms, and do not purport to be actual current averages. Similarly, neither these weighted average wage rates nor the corresponding index numbers measure the relative levels of average current wage rates as between States or industries.

AUSTRALIA AND VICTORIA — WEEKLY WAGE RATES (a) (b)

At end of December—	Rates of wage (c) (\$)		Index numbers (Australia 1954 = 100) (d)	
	Australia	Victoria	Australia	Victoria
ADULT MALES				
1970 (e)	54.20	53.68	191.9	190.1
1971	61.56	61.40	218.0	217.4
1972	67.71	67.86	239.8	240.3
1973	77.69	77.42	275.1	274.1
1974	105.57	105.15	373.8	372.3
1975	117.95	117.32	417.6	415.4
1976	135.29	134.10	479.0	474.8
1977	149.08	147.50	527.9	522.3
1978	r160.96	r159.68	r569.9	r565.4
1979(f)	168.68	167.66	597.3	593.6

AUSTRALIA AND VICTORIA —
WEEKLY WAGE RATES (a) (b)—continued

At end of December—	Rates of wage (c) (\$)		Index numbers (Australia 1954 = 100) (d)	
	Australia	Victoria	Australia	Victoria
ADULT FEMALES				
1970	39.68	38.65	199.3	194.2
1971	47.06	45.68	236.4	229.5
1972	52.04	51.10	261.4	256.7
1973	65.16	62.80	327.3	315.5
1974	91.62	89.97	460.2	451.9
1975	108.61	109.20	545.6	548.5
1976	125.75	r125.90	631.7	r632.4
1977	138.85	138.97	697.4	698.0
1978	r148.90	r149.00	r748.0	r748.4
1979(f)	154.33	154.31	775.2	775.1

- (a) Weighted average minimum weekly rates (all groups) payable for a full week's work (excluding overtime) and index numbers of wage rates, as prescribed in awards, determinations, and collective agreements. Rural industries are excluded.
- (b) For mining, the average rates of wage on which index numbers are based are those prevailing at the principal mining centres in each State. For shipping, average rates of wage on which index numbers are based are for occupations other than masters, officers, and engineers in the merchant marine service, and include value of keep, where supplied.
- (c) The amounts shown should not be regarded as actual current averages, but as indexes expressed in money terms, indicative of trends.
- (d) Base: weighted average weekly wage rate for Australia, 1954 = 100.
- (e) Australian figures include the 10 per cent additions to minimum wage rates for adult males in some Western Australia State awards payable from December 1970.
- (f) Figures for December 1979 are subject to revision.

VICTORIA—WEEKLY WAGE RATES (a): INDUSTRY GROUPS

Industry group	Rates of wage (b) (\$)			Index numbers (Australia 1954 = 100) (c)		
	At end of December—			At end of December—		
	1977	1978	1979(f)	1977	1978	1979(f)
ADULT MALES						
Mining and quarrying (d)	144.15	155.55	161.86	510.4	550.8	573.1
Manufacturing—						
Engineering, metals, vehicles, etc.	142.18	r156.01	166.71	503.4	r552.4	590.3
Textiles, clothing, and footwear	137.37	147.82	152.57	485.4	523.4	540.2
Food, drink, and tobacco	145.82	r158.09	165.49	516.3	r559.8	586.0
Sawmilling, furniture, etc.	135.92	145.86	150.81	481.3	516.5	534.0
Paper, printing, etc.	153.15	164.86	172.45	542.3	583.7	610.6
Other manufacturing	143.49	r154.94	162.68	508.1	r548.6	576.0
All manufacturing groups	142.60	r155.00	163.43	504.9	r548.8	578.7
Building and construction	163.07	r175.94	184.59	577.4	r623.0	653.6
Railway services	130.27	r139.31	145.22	461.3	r493.3	514.2
Road and air transport	142.86	155.11	162.04	505.9	549.2	573.8
Shipping and stevedoring (e)	181.82	194.85	203.31	643.8	689.9	719.9
Communication	176.97	r187.85	199.65	626.6	r665.1	706.9
Wholesale and retail trade	150.47	r163.03	169.57	532.8	r577.3	600.4
Public authority (n.e.i.) and community and business services	150.44	161.08	167.24	532.7	570.3	592.2
Amusements, hotels, personal service, etc.	137.21	147.51	152.50	485.8	522.3	540.0
All industry groups (a)	147.50	r159.68	167.66	522.3	r565.4	593.6
ADULT FEMALES						
Manufacturing—						
Engineering, metals, vehicles, etc.	140.62	152.30	160.77	706.4	765.0	807.6
Textiles, clothing, and footwear	130.57	139.60	144.07	655.8	701.2	723.7

VICTORIA—WEEKLY WAGE RATES (a): INDUSTRY GROUPS—*continued*

Industry group	Rates of wage (b) (\$)			Index numbers (Australia 1954 = 100) (c)		
	At end of December—			At end of December—		
	1977	1978	1979(f)	1977	1978	1979(f)
ADULT FEMALES— <i>continued</i>						
Manufacturing—<i>continued</i>						
Food, drink, and tobacco	138.00	148.26	153.93	693.2	744.8	773.2
Other manufacturing	137.51	147.75	153.48	690.7	742.1	771.0
All manufacturing groups	134.16	143.94	149.36	673.9	723.0	750.3
Transport and communication	142.15	r150.06	155.23	714.0	r753.8	779.7
Wholesale and retail trade	150.36	160.99	166.18	755.3	808.7	834.7
Public authority (n.e.i.) and community and business services	145.90	157.84	163.32	732.9	792.9	820.4
Amusements, hotels, personal service, etc.	133.30	142.52	147.33	669.6	715.9	740.0
All industry groups (a)	138.97	r149.00	154.31	698.0	r748.4	775.1

- (a) Weighted average minimum weekly rates payable for a full week's work (excluding overtime) and index numbers of wage rates, as prescribed in awards, determinations, and collective agreements. Rural industries are excluded.
- (b) The amounts shown should not be regarded as actual current averages, but as indexes expressed in money terms, indicative of trends.
- (c) Base: weighted average weekly wage rate for Australia, 1954 = 100.
- (d) For mining, the average rates of wage on which index numbers are based are those prevailing at the principal mining centres in each State.
- (e) For shipping, the average rates of wage on which index numbers are based are for occupations other than masters, officers, and engineers in the merchant marine service, and include value of keep, where supplied.
- (f) Figures for December 1979 are subject to revision.

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 judgment, 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 tables on page 219 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.

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

Industry group	Hours of work (b)			Index numbers (c)		
	31 March 1939	31 March 1948	31 December 1979	31 March 1939	31 March 1948	31 December 1979
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.

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

Industry group	Hours of work (b)			Index numbers (c)		
	31 March 1951	30 June 1953	31 December 1979	31 March 1951	30 June 1953	31 December 1979
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
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. Major findings from the survey are as follows:

**VICTORIA — EMPLOYEES WHO WORKED IN THE SURVEY WEEK (a) :
DAYS ON WHICH WORKED (b), NOVEMBER 1976**

Days	Males		Females		Persons	
	Number	Proportion of male employees who worked	Number	Proportion of female employees who worked	Number	Proportion of all employees who worked
	'000	per cent	'000	per cent	'000	per cent
Monday	(c) 746.8	(c) 92.1	(c) 405.1	(c) 83.0	(c) 1,151.9	(c) 88.7
Tuesday	(c) 658.8	(c) 81.2	(c) 348.0	(c) 71.3	(c) 1,006.8	(c) 77.5
Wednesday	776.6	95.8	418.8	85.8	1,195.4	92.0
Thursday	781.9	96.4	424.4	86.9	1,206.2	92.8
Friday	771.1	95.1	419.7	86.0	1,190.8	91.7
Saturday	189.0	23.3	97.9	20.0	286.9	22.1
Sunday	65.7	8.1	37.4	7.7	103.1	7.9

(a) Includes part-time workers.

(b) In main job only.

(c) Affected by the Melbourne Cup Day holiday.

NOTE. For further information, see Australian Bureau of Statistics publication *Work patterns of employees*, November 1976 (6328.0).

Average weekly earnings

Estimates of average weekly earnings are 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. The estimates relate only to civilians.

Particulars of wages and salaries paid are not available for males and females separately from these sources; average weekly earnings are, therefore, calculated in terms of male units, i.e., in Victoria, total male employees plus a percentage of female employees. This proportion is derived from the estimated ratio of female to male earnings. As the number of male units used in calculating Australian average weekly earnings is the sum of the estimates for the States, a separate ratio for Australia as a whole is not used.

**AUSTRALIA AND VICTORIA—AVERAGE WEEKLY EARNINGS
PER EMPLOYED MALE UNIT (a)
(\$)**

Period	Victoria	Australia	Period	Victoria	Australia
1970-71	86.40	84.80	1975-76	170.50	169.60
1971-72	93.90	93.40	1976-77	191.10	190.70
1972-73	102.80	101.80	1977-78	209.30	209.50
1973-74	118.80	118.30	1978-79	226.60	225.70
1974-75	147.80	148.30	1979-80	248.30	247.10

(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 employed male unit cannot be compared with the weekly wage rates shown on pages 216-18.

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 in May, August, and October each year, and particulars of individual surveys are available in separate publications issued by the Australian Bureau of Statistics.

Further reference: *Victorian Year Book* 1979, pp. 223-6

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 as follows:

VICTORIA—EMPLOYEES WHO USUALLY WORKED 20 HOURS OR MORE A WEEK : TYPE OF BENEFIT RECEIVED, FEBRUARY TO MAY 1979

Type of benefit received	Males		Females		Persons	
	Number	Proportion of male employees	Number	Proportion of female employees	Number	Proportion of all employees
	'000	per cent	'000	per cent	'000	per cent
Holiday costs	44.8	5.8	15.2	3.8	60.8	5.2
Low-interest finance	62.5	8.0	14.2	3.6	76.7	6.5
Goods and services	290.2	37.3	140.4	35.3	430.7	36.6
Housing	31.9	4.1	10.0	2.5	41.9	3.6
Electricity, etc.	14.3	1.8	8.0	2.0	22.4	1.9
Telephone	83.9	10.8	8.7	2.2	92.6	7.9
Transport	98.8	12.7	9.9	2.5	107.9	9.2
Medical	39.6	5.1	11.9	3.0	51.5	4.4
Union dues	23.8	3.1	(a)	(a)	26.5	2.3
Club fees	18.3	2.3	(a)	(a)	18.9	1.6
Entertainment allowance	49.2	6.3	(a)	(a)	51.4	4.4
Shares, etc.	14.3	1.8	(a)	(a)	17.0	1.4
Study leave	19.9	2.6	(a)	(a)	25.6	2.2
Superannuation, etc.	398.8	51.2	101.4	25.5	500.3	42.5
Total employees	778.9	100.0	397.5	100.0	1,176.4	100.0

(a) Subject to sampling variability too high for most practical purposes.

VICTORIA—EMPLOYEES WHO USUALLY WORKED 20 HOURS OR MORE A WEEK : NUMBER OF SEPARATE TYPES OF BENEFIT RECEIVED, FEBRUARY TO MAY 1979

Number of separate types of benefit received	Males		Females		Persons	
	Number	Proportion of male employees	Number	Proportion of female employees	Number	Proportion of all employees
	'000	per cent	'000	per cent	'000	per cent
None	206.0	26.4	169.9	42.7	375.9	32.0
One or more—	572.9	73.6	227.6	57.3	800.5	68.0
One	251.1	32.2	151.0	38.0	402.1	34.2
Two	166.3	21.4	55.1	13.9	221.5	18.8
Three	88.9	11.4	16.1	4.1	105.1	8.9
Four	27.5	3.5	(a)	(a)	31.6	2.7
Five or more	39.1	5.0	(a)	(a)	40.2	3.4
Total employees	778.9	100.0	397.5	100.0	1,176.4	100.0

(a) Subject to sampling variability too high for most practical purposes.

NOTE. For further information, see Australian Bureau of Statistics publication *Employment benefits—Australia*, February to May 1979 (6334.0).

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 has now been consolidated in the *Labour and Industry Act 1958*.

Victorian Department of Labour and Industry

The Victorian Department of Labour and Industry administers the *Labour and Industry Act 1958*. Wages Boards (see pages 209-11), the Industrial Appeals Court, the Industrial Training Commission (see pages 228-31), the Building Industry Long Service Leave Board, the Hospitals Remuneration Tribunal, the Hairdressers Registration Board, the Workers Compensation Board, the Liquor Control Commission, and the Motor Accidents Board are statutory bodies under the administration of the Minister of Labour and Industry.

Generally, the Department deals with the registration and inspection of factories and shops, boilers and pressure vessels, lifts, cranes and scaffolding, and included in the present functions of the Department are the following:

- (1) Inspection and enforcement of conditions of labour generally, including wages, hours of work, trading hours for shops, rest periods, holidays, annual leave, and long service leave;
- (2) employment of children and young persons, including the training, oversight of schooling, and supervision of apprentices;
- (3) industrial relations, including the prevention and settlement of industrial disputes and advice on industrial matters;
- (4) industrial safety, health, and welfare, including the training of workers in safe practices, control of dangerous methods and materials, guarding of machinery, prevention of accidents, and the control and regulation of industrial aspects of noxious trades; and
- (5) initiation and direction of research and the collection, preparation, and dissemination of information and statistics on matters within departmental jurisdiction.

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 services, 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.

VICTORIA—INDUSTRIAL DISPUTES (a): INDUSTRY GROUPS

Year	Mining	Manufacturing	Construction	Transport (b)		Other industries	All groups
				Stevedoring	Other		
NUMBER OF DISPUTES							
1975	2	233	48	51	33	57	424
1976	-	170	56	28	35	33	322
1977	5	126	44	14	23	32	244
1978	1	182	31	32	23	34	303
1979	4	182	40	17	22	60	325
WORKERS INVOLVED (DIRECTLY AND INDIRECTLY) (c) ('000)							
1975	0.4	282.4	59.4	9.8	86.6	132.3	570.9
1976	2.4	287.3	58.9	10.0	108.1	180.5	647.3
1977	0.2	35.8	8.4	4.4	43.6	28.2	120.7
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
WORKING DAYS LOST (c) ('000)							
1975	2.2	581.4	250.1	10.8	89.4	287.8	1,221.7
1976	4.2	632.4	235.3	10.5	179.9	357.8	1,420.0
1977	8.4	223.8	90.0	10.2	96.9	156.9	586.1
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
ESTIMATED LOSS IN WAGES (\$'000)							
1975	57	14,938	7,448	287	2,177	6,989	31,897
1976	150	17,484	9,106	328	5,317	9,734	42,118
1977	614	6,972	3,643	356	3,596	5,573	20,752
1978	60	9,281	2,253	1,384	1,644	1,578	16,200
1979	1,098	24,826	6,676	883	6,758	13,025	53,266

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

(b) Transport and storage; communication.

(c) Workers stood down as a result of the electricity supply dispute in October 1977 (at establishments other than those at which the stoppage occurred) are excluded. It is estimated that about 150,000 such workers were stood down and about 2,100,000 working days were lost.

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.

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 now have particular statutory responsibilities for particular aspects of industrial safety, but the general responsibility lies with the Department of Labour and Industry through the *Labour and Industry Act 1958* and associated legislation.

Many of the important Acts and regulations concerning industrial safety regulations and inspections, with reference to the administrative authority responsible in each case, have been discussed in previous *Victorian Year Books*. Recent amendments to the *Labour and Industry Act*, which provide for all wheeled tractors used in agriculture, horticulture, viticulture, dairying, and pastoral pursuits to be provided with roll-over protective frames, are designed to reduce the number of fatal and other serious injuries occurring in rural

industry. All tractors manufactured or imported into Victoria before 1 July 1981 are exempted from this regulation.

Administrative responsibility for the law relating to the safe use of mechanical amusement structures was transferred from the Health Commission to the Department of Labour and Industry in 1979 when the *Lifts and Cranes (Amusement Structures) Act 1978* was brought into operation.

To keep pace with technological change and enlightened attitudes, the methods for enforcement of these Acts and the relevant safety regulations must be continually assessed. Accordingly, the Labour and Industry (Asbestos) Regulations 1978 were implemented to maintain some control over the hazards associated with asbestos processes. Similarly, the Health (Hearing Conservation) Regulations 1978, administered by the Health Commission, are promoted by Inspectors of Factories and Shops during their visits to industrial premises.

Workers compensation legislation

Introduction

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 Victoria.

The administration of the Victorian *Workers Compensation Act 1958* was transferred from the Chief Secretary to the Minister of Labour and Industry on 21 August 1978. Legislation to provide for workers compensation in Victoria was first introduced in 1914 with the passing of the *Workers Compensation Act 1914* (No. 2496). The basic provision was that benefits were payable to a worker injured or killed by injury caused by an accident arising out of and in the course of employment. The concept of "no fault" compensation for such injuries was primarily intended to recognise that many work injuries, which can cause economic loss and therefore considerable financial hardship, cannot be said to be the result of negligence and therefore there would be no liability at common law for damages.

Since then, the legislation has been amended from time to time. The *Workers Compensation Act 1958* consolidated the previous legislation to provide monetary benefit to most workers or, in the case of death, to their dependants by their right to claim limited compensation (for loss of earning capacity and associated out-of-pocket expenses for treatment) for injuries sustained by them arising out of or in the course of employment without having to prove negligence or breach of statutory duty by the employer or his employees. This also relates to industrial diseases. The Act is supplemented by the *Workers Compensation Regulations 1975* and the *Workers Compensation Rules 1980*.

No matter what the circumstances of employment, a worker is almost certainly entitled to compensation if injured at work or if he suffers illness to which his work contributes. Coverage of the Act also includes certain contractors who are deemed to be workers within the meaning of the Act.

The Act does not affect the employers' civil liability where the injury or illness to the worker is caused by personal negligence or breach of statutory duty of the employer or of some person for whom the employer is responsible. In such a case, the worker has the option of claiming compensation under the Act or taking proceedings independently of the Act.

The general principle of the legislation is to provide coverage for workers who have entered into or work under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise. Such workers are also protected during travel to and from work, during recess periods, and from injury by recurrence, aggravation, acceleration, exacerbation, or deterioration of any pre-existing injury or disease where employment is a contributing factor.

The Act provides for the establishment of the Workers Compensation Board to act as a tribunal which inquires into, hears, and determines all disputes and other matters arising out of claims under the Act. The Board is constituted under section 80 of the Act and comprises five divisions, each of which consists of a judicial member, being a Judge of the County Court, as chairman, with two lay members appointed by the Governor in Council.

One lay member is selected from a panel of three nominated by the insurers and the Victorian Employers' Federation to represent insurers. The other is selected from a panel of three nominated by the Victorian Trades Hall Council to represent workers.

A primary feature of the legislation is the obligation on employers to obtain a policy of accident insurance indemnifying them to the full extent of their liability to pay compensation under the Act, in the event of injury or disease to their workers (although the employer is not obliged to be insured for the first \$500 of his liability). The vast majority of claims for workers compensation are settled without dispute by the employer or insurance company. Disputed claims are submitted to the Board for determination. However, the Board deals with only a small proportion of the total number of claims made each year. Of approximately 250,000 claims made in any year, only some 10,000 might come before the Board.

Board of Inquiry into Workers Compensation in Victoria

By the mid-1970s, it had become clear that there had arisen many contentious issues and difficulties in the field of workers compensation in Victoria, largely because the existing legislation had evolved as a matter of course, rather than by deliberate direction, over many years. In recognition of this, in 1976, the Governor in Council constituted His Honour Judge C. W. Harris, a County Court Judge and a chairman of the Workers Compensation Board, as a Board of Inquiry into the Victorian system of workers compensation. The Board submitted an Interim Report in June 1976, and its Final Report in March 1977.

This was a detailed report and, in essence, formally recognised the present unsatisfactory arrangements (primarily that it had become relatively very expensive to run in comparison with benefits bestowed) and recommended a complete restructuring of the legislation. Details of the matters covered in the Report are provided on pages 229-31 of the *Victorian Year Book* 1979.

Recent legislative developments

Since the presentation of the Harris Report, five Acts have been passed to amend the Principal Act in line with the Board's comments and recommendations. The *Workers Compensation (Special Provisions) Act* 1978 (No. 9134) provides that certain sporting activities are excluded from the operation of the Principal Act.

The *Workers Compensation (Amendment) Act* 1978 (No. 9136) provides that school pupils employed pursuant to an arrangement for work experience under Part IVA of the *Education Act* 1958 shall be entitled to benefits under the Principal Act, the "nominal defendant" shall not be liable to pay compensation, certain payments made by an employer shall not be taken as an admission of liability, the employer may end or diminish weekly payments in certain cases, and that the employer will not be obliged to be insured for the first \$500 of his liability for compensation. This latter provision, in other words, allows the employer to bear the first \$500 in respect of each injury to an employee and to take a policy of insurance to cover the balance of his liability under the Act (although he may extend his insurance to cover this "excess"). Employers taking advantage of this provision should be entitled to premium discounts. The Act also referred to the position of contractors, sub-contractors, and sharefarmers in relation to workers compensation, provided that secretaries of co-operative societies would come within the scope of the Principal Act, and dealt with payments into court in damages claims. The *Workers Compensation (Sharefarmers) Act* 1978 (No. 9215) deemed that certain sharefarmers would be workers for the purposes of the Principal Act.

A major argument of the Harris Report was that the existing compensation system is an elaborate but rather illogical scheme of social security benefits. As a result of its natural evolution, it tended to compensate disabilities only tenuously associated with employment, and persons who sometimes extend far beyond the traditional concept of "workers". It found that the overhead costs of the system were enormous and capable of significant reduction, and that although insurance premiums were very high, benefits were too low in comparison with the other States. It was recommended that, until further developed, the rate of weekly benefits should be revised in accordance with movements in the average weekly earnings series as seasonally adjusted (calculated by the Australian

Bureau of Statistics), and, furthermore, that such adjustments should be made regularly, at not more than annual intervals.

In recognising the matters referred to in the Harris Report, and the fact that workers compensation arrangements in Victoria were a major concern for the government, for industry (both employers and employees) and, in fact, for the whole community, the Victorian Government introduced into the Victorian Parliament on 26 September 1979 a Bill to amend the *Workers Compensation Act 1958*, which would provide for an increase in benefits payable while seeking to contain increases in premium rates. The Victorian Government's intention was to raise benefits to more realistic, up-to-date levels and to provide for the regular annual indexing of such benefits, yet take certain action to constrain premiums, particularly in the interests of maintaining employment.

There were three key areas where the Victorian Government wished to contain costs. The first concerned the definition of "injury", for which precedent had been built up in the Victorian jurisdiction over many years to the extent that compensation payments were being made in respect of injury or illness which bore only a minimal relationship to the employment. This had been particularly the case in respect of claims for heart and stroke cases. Second, the Motor Accidents Board had been set up by legislation in 1974 to administer a scheme of no-fault liability for benefits to motor accident victims as recognition that motor accidents had become a community problem, and it therefore seemed unfair that employers should be responsible for costs involved which would otherwise be covered by the Motor Accidents Board. Third, "split actions" represented a problem in that compensation could be paid doubly in respect of one claim — once by compensation under the Workers Compensation Act and again by recourse to damages under common law.

The Bill became the *Workers Compensation (Miscellaneous Provisions) Act 1979*, which came into operation on 1 December 1979 to amend the Principal Act in several ways. The Act:

- (1) Amended the definitions of "injury" and "disease" to include "exacerbation", thus extending the application, but at the same time amended the definition of "injury" so that work must have made a "substantial" rather than a "material" contribution to the injury in respect of the application of the Act;
- (2) provided for the Insurance Commissioner to indemnify employers in respect of first-year apprentices (including while travelling to or from or attending school) against the employer's liability to pay compensation or at common law;
- (3) provided that in the case of persons injured in motor vehicle accidents during journeys to, from, or at work, such persons may claim in the usual way under workers compensation, but the insurer or employer may obtain recompense from the Motor Accidents Board equivalent to the amount the worker would have been entitled to had he not been covered by the Workers Compensation Act;
- (4) increased weekly benefits payable for incapacity, the death benefits, and the maximum compensation payable for incapacity in the Principal Act and provided for annual adjustments of these amounts in accordance with movements in average weekly earnings as seasonally adjusted;
- (5) provided for the recognition of the services of registered chiropractors and osteopaths for the purposes of compensation under the Principal Act;
- (6) prevented "split action" claims (double recovery) whereby dependants could obtain the full amount of recovery under both the Workers Compensation Act and damages at common law, by providing that any amounts recovered under the Principal Act would be deducted from any subsequent common law settlement and *vice-versa*; and
- (7) provided for other miscellaneous amendments.

However, the trade union movement in Victoria in general was most concerned that, while increasing the level of weekly and death benefits payable in the order of 44 per cent, the new Act would also have the effect of unfairly denying the right to compensation, or full compensation, to a significant number of workers and their families who had previously been covered by legislation. The overriding concern was that rights and conditions of employment which the unions had pursued over a long period of time on behalf of workers would be severely eroded.

This concern led to a considerable amount of industrial unrest affecting the general community as the unions undertook a campaign, co-ordinated through the Victorian Trades Hall Council, to have changed back the amendments made in respect of the definition of "injury" as it would affect heart and stroke claims and in relation to "split actions". Soon after the amending Act had been passed, building industry workers marched on Parliament House, firemen imposed bans on Victorian Parliament and insurance offices, and snap stoppages on the waterfront preceded a 48 hour power stoppage in January 1980, two 24 hour public transport stoppages, a metal industry shut-down, and a stoppage by retail shop workers.

However, the Victorian Government had previously acknowledged that it was not the intention to prejudice genuine heart and stroke claims or claims for any other disease where employment had really contributed, and that it would remain firm on its objectives. Nonetheless, the Minister of Labour and Industry held a series of discussions with two officers of the Department of Labour and Industry and two representatives of the Victorian Trades Hall Council aimed at settling the matter and, on 28 March 1980, announced that a settlement agreement had been reached.

As a result, the *Workers Compensation (General Amendment) Act 1980* (No. 9372) was passed on 23 May 1980, to:

- (1) Amend the definition of "injury" by replacing the words "contributed substantially" with the words "was a contributing factor and contributed to a recognisable degree"; and
- (2) provide, in respect of dependants of a deceased worker, for a scale of benefits to be payable in respect of each dependant child under the age of 16 years and each dependant full-time student under the age of 21 years.

Both amendments were made retrospective to 1 December 1979. In line with the provision for annual adjustments in workers compensation benefits, to be made on 1 July in each year, the following benefits applied from 1 July 1980:

**VICTORIA—WORKERS COMPENSATION BENEFITS
APPLICABLE FROM 1 JULY 1980**

Type of benefit	Amount payable (\$)
(1) Weekly payments during incapacity of worker:	
(i) Maximum payment for worker (excluding dependants)	116
If under 21 years of age	86
(ii) Payment for dependant spouse	33
(iii) Payment for each dependant child under 16 years of age or full-time student under 21 years of age	11
(iv) Maximum weekly payment for worker with dependants If under 21 years of age	(a)172 (a)149
(2) Employer's maximum total liability for weekly payments for incapacity (total or partial) (b)	40,899
(3) Amount payable to dependants on death of worker:	
(i) Maximum lump sum	36,694
(ii) Additional payment for each dependant child or full-time student under 21 years of age (age of child/student)—	
Under 1	8,950
2	8,372
3	7,795
4	7,218
5	6,640
6	6,063
7	5,485
8	4,908
9	4,331
10	3,753
11	3,176
12	2,598
Not under 12 but under 16	2,021
Not under 16 but under 21 (full-time student)	2,021
(iii) Funeral benefit (maximum)	750
(4) Amount payable for specified injuries—Table 11 (maximum)	23,260

(a) Or the worker's average weekly earnings, whichever is the lesser amount.

(b) This amount may be increased by the Workers Compensation Board.

A Workers Compensation Consultative Council was appointed in March 1979, comprising representatives of the insurance industry, the law, medical and occupational safety fields, the unions, and the Victorian Government to meet regularly and to provide advice on the operation of the principal legislation. Considering that His Honour Judge Harris proposed major long-term changes in the workers compensation system in Victoria, the Victorian Government has advised that it would continue to make improvements in workers compensation arrangements.

Further reference: Board of Inquiry into Workers Compensation in Victoria, *Victorian Year Book 1979*, pp. 229-31

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) has been suspended indefinitely from 1975-76 onwards, 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 has 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 do not provide an accurate count of the total number of cases which are either fatal or involve a period of incapacity of one week or more. Nor do they accurately measure year to year trends in these totals. Because of this, the statistics are not of sufficiently high quality to be published by the Australian Bureau of Statistics. In addition, the investigations have shown that workers compensation statistics have suffered from reporting and other difficulties and are also not of the standard required for publication.

Data collection is, however, continuing and measures are being taken in order to bring the statistics up to an acceptable level of quality.

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, allows 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* also provides for "pre-apprenticeship training" and "adult training".

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 Commission currently comprises ten members—a full-time president (appointed by the Governor in Council), a deputy president (an officer of the Education Department nominated by the Minister of Education), four representatives of employers, and four representatives of employees.

The main duties of the Commission are to review the requirements of Victoria for skilled tradesmen; the availability of skilled tradesmen to meet those requirements; the availability of young persons for training in skilled trades; the availability of vacancies for

apprentices, pre-apprenticeship trainees and adult trainees, and the extent to which employers are participating in the training of such apprentices and trainees; the adequacies of the training of apprentices, pre-apprenticeship trainees, and adult trainees in employers' workshops and in technical schools, 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.

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 1980, there were 51 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 1980.

Despite difficult economic conditions and a high level of unemployment, the Commission achieved the second highest intake of apprentices on record in the year ended 30 June 1980 with 11,506 new apprentices being indentured. This represents a 5.8 per cent increase on the previous year, and it is the fourth successive year in which the intake has exceeded 10,000. At 30 June 1980, there were a record 39,848 apprentices in training.

The Commonwealth Rebate for Apprentice Full-Time Training (CRAFT) has again assisted in maintaining a high indenture level, as has the legislation introduced by the Victorian Government under which the State assumed responsibility for workers' compensation for first year apprentices and for other apprentices in respect of their attendance at prescribed trade classes.

After a period of steady growth the total number of apprentices in training declined in 1975, but recovered the following year. There was a significant rise in 1977 and this growth was maintained in 1978. For the year ended 30 June 1979, a new record was created with 38,261 apprentices in training — 1,484 more than at the same time in the previous year — and this was surpassed by the 1980 figure of 39,848.

Modular courses which were first introduced in Victoria in 1971 have been expanded to cover all trade groups except printing and the food trades. Industry is now appreciating the value of alternative areas of specialisation which has largely eliminated the necessity for splitting trade classifications. Promising results are being achieved in some trades in respect of self-paced learning, in particular, panel beating, footwear, and metal fabrication. A further modification of apprentice training was introduced at the commencement of the 1977 school year. The new system, termed "accelerated training", blends the training usually given in the first and second years into the first year alone, thus reducing the trade school training term from three years to two years and increasing apprenticeship productivity in the early years of apprenticeship. Although this system has worked effectively its expansion has been limited by the growth of apprenticeship numbers which has reduced the capacity of schools to provide this type of training. Where facilities and resources are available, and where apprentices wish to enter this form of training with the approval of their employers, the Commission has adopted a general policy of permitting accelerated training to flow in any trade.

As an aid to training, the Commission introduced training journals or log-books in which the nature of the work done by the apprentice in the workshop situation and in his prescribed trade course is recorded. Senior technical school teachers are attached to the Commission's office and act as training advisers in twenty-four trades.

With the introduction of the *Industrial Training Act 1975*, the Commission took over responsibility for adult training programmes on the understanding that no formal training would be introduced unless there was complete agreement between the relevant employer and employee organisations. The first formal scheme for adults was introduced in February 1979 in the horticultural trades, with eligibility being restricted to persons employed in the industry and with the requirement that a formal training agreement must be registered with the Commission. That scheme is continuing and, in addition, a pilot programme was introduced in the sheet metal trade during 1980.

The Commission believes that apprenticeship has many advantages over alternate forms of training. The combination of college-based training in basic skills, theory, and related instruction, interspersed with extensive practice in industry is a valuable form of training in the areas already covered, and possibly in many others. Just as apprenticeship has changed progressively in the past to meet changing social and industrial needs, the new legislation will facilitate the orderly development and expansion to meet the real need for particular skills in the community. It also believes that the principle of making apprenticeship more attractive, rather than concentrating on pre-apprenticeship training, will in the long run be of greater benefit to the community. The current trend indicates that the service industries have the greatest potential for increasing apprenticeship employment opportunities.

The proclaimed apprenticeship trades and the number of probationers and apprentices employed at 30 June for each of the years 1976 to 1980 are shown in the following table. These figures have been extracted from the annual reports of the Commission.

VICTORIA—NUMBER OF PROBATIONERS AND APPRENTICES EMPLOYED

Trade	At 30 June—				
	1976	1977	1978	1979	1980
Building trades—					
Plumbing and gasfitting	2,312	2,404	2,382	2,336	2,257
Carpentry and joinery	4,160	4,184	4,037	3,887	3,865
Painting, decorating, and signwriting	625	686	731	737	789
Plastering	39	44	52	46	45
Fibrous plastering	240	254	234	179	172
Bricklaying	640	586	565	520	440
Tile laying	42	53	47	47	55
Stonemasonry	11	20	19	23	21
Roof slating and tiling	85	181	177	114	86
Total building trades	8,154	8,412	8,244	7,889	7,730
Metal trades—					
Engineering (including patternmaking)	4,015	4,182	4,263	4,672	5,196
Electrical	3,588	3,712	3,700	3,906	4,146
Motor mechanics	4,984	5,303	5,295	5,401	5,330
Moulding	127	137	163	166	190
Boilermaking and/or steel construction	1,204	1,309	1,456	1,616	1,819
Sheet metal	541	541	619	700	799
Electroplating	51	57	67	75	90
Aircraft mechanics	103	92	128	136	144
Radio tradesmen	412	416	363	369	387
Instrument making and repairing	157	181	186	222	252
Silverware and silverplating	14	21	22	27	22
Vehicle industry (including automotive machining)	2,048	2,126	2,095	2,120	1,981
Refrigeration mechanics	258	268	259	284	326
Optical fitting and surfacing	99	103	87	96	85
Sewing machine mechanics	62	71	64	82	81
Total metal trades	17,663	18,519	18,767	19,872	20,848
Food trades—					
Breadmaking and baking	171	161	177	179	180
Pastrycooking	194	206	216	240	264
Butchering and/or smallgoods making	972	969	984	933	881
Cooking	689	766	922	1,058	1,236
Waiting	18	26	26	34	48
Total food trades	2,044	2,128	2,325	2,444	2,609
Miscellaneous—					
Footwear	78	83	110	163	184
Printing	1,265	1,285	1,300	1,460	1,608
Hairdressing	2,143	2,198	2,306	2,376	2,373
Dental technicians	109	138	150	179	184
Watch and clockmaking	64	65	60	59	40
Furniture (including wood machining)	1,357	1,402	1,383	1,391	1,397

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

Trade	At 30 June—				
	1976	1977	1978	1979	1980
Miscellaneous— <i>continued</i>					
Flat glass working	133	151	158	168	159
Horticultural	354	442	611	787	1,056
Textile mechanics	131	116	108	120	121
Shipwrighting and boatbuilding	45	56	54	47	49
Dry cleaning	30	25	18	29	32
Apparel cutting	53	57	56	66	72
Jewellery making and repairing	124	126	126	132	122
Floor finishing and covering	116	142	126	106	87
Agricultural	423	635	859	945	1,126
Floristry	—	—	16	28	51
Total miscellaneous	6,425	6,921	7,441	8,056	8,661
Grand total	34,286	35,980	36,777	38,261	39,848

INDUSTRIAL ORGANISATIONS

Registration

1. *Under 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 1979 was 18, with a membership of 12,557 persons.

2. *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 232. Registered unions include both interstate associations and associations operating within one State only.

Registration under Commonwealth Government legislation began in 1906. At 31 December 1979, the number of employers' organisations registered under the provisions of the Conciliation and Arbitration Act was 80. The number of unions of employees registered at the end of 1979 was 148, with a membership of 2,331,100 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, on page 233). Further details on the history of trade unions in Victoria can be found on pages 296-7 of the 1975 edition of the *Victorian Year Book*.

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 estimated percentages of wage and salary earners in employment who are members of trade unions. The estimates of total wage and salary earners have been derived by adding figures for employees in rural industry and private domestic service recorded at the 1976 Population Census to the estimates of employees in all other industries at the end of each year. For this reason, and also because the membership of trade unions includes some persons not in employment, the percentages shown in the table must be regarded as approximations only.

VICTORIA—TRADE UNIONS: NUMBER AND MEMBERSHIP

At 31 December—	Number of separate unions	Number of members			Proportion of total wage and salary earners		
		Males	Females	Persons	Males	Females	Persons
		'000	'000	'000	per cent	per cent	per cent
1975	167	507.4	217.9	725.3	59	43	53
1976	168	504.7	214.7	719.4	59	42	52
1977	167	505.6	222.1	727.7	59	43	53
1978	167	509.9	222.9	732.9	60	43	53
1979	166	513.0	234.1	747.1	60	44	54

NOTE. All of the figures in this series have been revised since the 1980 edition of the *Victorian Year Book*.

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 as follows:

VICTORIA — TRADE UNION MEMBERS, NOVEMBER 1976

Particulars	Males	Females	Persons
Number ('000)	466.4	212.3	678.6
Per cent of all employees	55	41	50

VICTORIA — TRADE UNION MEMBERS: INDUSTRY AND OCCUPATION, NOVEMBER 1976

Industry division	Per cent of all employees	Occupation group	Per cent of all employees
Agriculture, forestry, fishing, and hunting	(a)	Professional and technical	49
Mining	—	Administrative, executive, and managerial	(a)
Manufacturing	59	Clerical	44
Electricity, gas, and water	80	Sales	23
Construction	55	Farmers, fishermen, timber-getters, etc.	(a)
Wholesale and retail trade	24	Transport and communication	72
Transport and storage	68	Tradesmen, production-process workers, and labourers, n.e.c. (c)	65
Communication	95	Service, sport, and recreation	44
Finance, insurance, real estate, and business services	47		
Public administration and defence (b)	62		
Community services	49		
Entertainment, recreation, restaurants, hotels, and personal services	32		
Total	50	Total	50

(a) Subject to sampling variability too high for most practical purposes.

(b) Excludes permanent defence forces.

(c) Includes miners, quarrymen, and related workers.

NOTE. For further information, see Australian Bureau of Statistics publication *Trade union members*, November 1976 (6325.0).

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 1979, 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 fourteen members. Of these members, seven are elected by the Council and seven 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 1 January 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. 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 larger trade unions and, since its establishment in 1927, the Australian Council of Trade Unions, which acts for the trade union movement as a 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 grant 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 Victorian Chamber of Manufactures from 1877, the latter body being formed with the objective of influencing tariff policy and factory legislation, as well as resisting the eight hour day agitation. These two bodies were followed within a few years by the Victorian Employers' Union, which later changed its name to become the Victorian Employers' Federation.

A great stimulus to the growth of employers' associations in Victoria followed the establishment of the Wages Boards system (see pages 209-11), 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.

Employers' associations in Victoria at the present time may be divided into three groups. One group is constituted by the Victorian Chamber of Manufactures together with the ninety associations that are dependent on it for secretarial services or at least operate within it. The Chamber also has about 5,700 member firms or companies divided into sixty 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 has a council of 26 elected members plus the immediate past president. It is administered by a director supported by a secretariat of 150, divided into six 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, and the proceedings of the Prices Justification Tribunal. It also operates an insurance company and a wide variety of advisory commercial services for its members. For the benefit of country members, who account for 15 per cent of its membership, the Chamber maintains branches in Geelong, Ballarat, and Wodonga, and the remainder of the State is served by seven regional groups.

A second group is constituted by the Victorian Employers' Federation, with which over 40 incorporated associations are affiliated and over 30 un-incorporated bodies are associated. The Federation has over 3,000 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, or associated with 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. The committee reports to the Federation's annual general meeting, and, together with elected representatives of

members and of each affiliated organisation, it constitutes the Federation's council which meets several times a year. Day to day management is in the hands of a salaried secretary 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 and associated 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, 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 groups that found their interests increasingly different from those of the Chamber of Manufactures. In common with some of the other independent associations, the Metal Trades Industries Association is an inter-State organisation, and it seems probable that associations with strong interstate ties are mainly concerned with the Commonwealth industrial jurisdiction rather than with the Victorian Wages Boards. Most of them 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 Victorian 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 sponsored jointly by the Associated Chambers of Manufactures of Australia and the Australian Council of Employers' Federations, the long established Federal counterparts of the Victorian Chamber of Manufactures and Victorian Employers' Federation, respectively. The Confederation has two operational wings. One is the National Employers' Industrial Council concerned with industrial relations and located in Melbourne. The other is the National Trade and Industrial Council, concerned with government policy in general and tariffs in particular and located in Canberra. Since it is possible for a member organisation to participate in either or both of these Councils the Confederation can accommodate members with divergent views on matters such as tariffs and yet present a united industrial relations front. It would be logical to expect that in the course of time the representation of employers before the Commonwealth Conciliation and Arbitration Commission will pass increasingly to the National Employers' Industrial Council, leaving State organisations to represent employers' interests before the State wages authorities.

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