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Award Coverage

The First Award Claim (1904-09)

The Union lost no time after registration in lodging an Award claim on the City Council, as described in the *Sydney Morning Herald* in February 1904:

The Employees' Claim.

The employees demand a day of eight hours and a week of 48 hours. The starting and finishing times were specified as from 6 to 8 a.m., 9 a.m. to 12 noon, and 1 p.m. to 4.30 p.m. on five days, and from 6 to 8 a.m. and 9 a.m. to 12.30 p.m. on Saturday; work to be deemed as commenced from time of mustering. Rates of pay for permanent labourers, 7/- [70 cents] per day; casual labourers, 8/- [80 cents] and carters, 11/- [\$1.10] per day; over-time payment at the rates of time and a half.

The claim dealing with employment of boys (No. 6) is as follows: the rate of pay for boys shall be; first year, 15/- [\$1.50] per week of 48 hours; second year, 20/- [\$2]; third year 25/- [\$2.50]; fourth year, 30/- [\$3]; and fifth year, 42/- [\$4.20]. Double time is claimed for work on Sundays and holidays, and the abolition of the present system of fines asked for. It is also provided that the employees should be docked only for the time actually lost. Preference to unionists is claimed, and also that any members dismissed without sufficient cause, or because of their membership of the union, shall be reinstated.¹

Council's response, prepared by the City Solicitor and filed with the Court, claimed that hours should remain flexible because the kind of work performed was variable. Sweeping streets should be done each night, and those working with horses or brooms should work seven days a week. With regard to the overtime claim:

The Council says that only work which from its character, or from special circumstances, cannot be performed during the prescribed working hours, should be regarded as overtime, and that payment for such work should be at ordinary rates, and that on no account should any payment for overtime be made to employees in bringing up arrears of work which properly comes within the scope of ordinary duties, or which the officer in charge considers necessary should be done in the same day. Double-time to be allowed for necessary or urgent work on Christmas Day and Good Friday, and time and a half on Eight-Hours day and the employees' picnic day.²

As to a claim for “blocks boys”, those who swept roads around allocated city blocks, Council’s reply was that:

With respect to the employment of boys, the council replies that in the cleaning department the work of keeping the streets clean is done with more celerity and safety by boys than by men, and that the number of boys so employed should not be limited by a proportion of men employed. No boys should be employed under the age of 14 years.

The claim in regard to rates of pay for boys is disputed and the following rates set out: to extend from 2/2 [22 cents] to 5/- [50 cents] per day, and that the increase should depend upon the conduct and efficiency of the boy, as well as upon the length of his service; and it is claimed that if such increase is dependent solely upon the length of service the boys would have no incentive to good conduct.³

Rejecting the claim for preference, Council argued:

The respondent says that the union according to its rules, should consist only of *bona-fide* employees of the Council, and can at most consist only of actual and dismissed employees, and that a preference right of employment as claimed would, if created, mean the dismissed employees would have a right to be reinstated, and would thus render nugatory the Council’s right of dismissal for just cause, and would subvert the control of the service.⁴

As to the general thrust of the claim, Council contended:

That there is nothing peculiar in the service, but that, on the contrary, such service comprises employees of certain professional clerical classes, and of skilled and ordinary labour, and that each kind of such employment is similar to employment in the service of other employers, and the respondent says that the members of the claimant union do not comprise one-fourth of the employees of the Council, and include a number of men not employed by the Council, and therefore not qualified to be members of the employees’ union, whilst the remaining members of the union are qualified to become members of the Tip-Carters’ Union and the United Labourers’ Protective Society. The respondent objects that it is not just or reasonable that the Council should be isolated as regards its service in the present dispute from all similar employers in the State, and submits that the rights of employees of each different kind should be controlled by the existing labour organisation for each class, and also that the Trades Union Act was not intended to apply to a combination of workers of different kinds in the service of an individual employer and united only by the fact of such common employment.⁵

After lengthy negotiations lasting twelve months, the City Council agreed to increase daily rates, as recommended by its Finance Committee, until a first Award was determined.⁶

The Union's early negotiations on behalf of members were fruitful, as suggested by the Town Clerk's report in 1907 that conditions and regulations governing employment in the Council were such that scores and hundreds of men applied for vacancies, indicating that treatment of employees was very good.⁷ However, the more basic reason may have been that a large number of unemployed men applied for a Council job since it offered some degree of continuous employment, as well as reasonably generous conditions.

The first Award took six years to achieve, during which time the Union was successful in its fight against City Council proposals to have it deregistered. These commenced in March 1904 when Council's application for cancellation of the Union's registration was rejected by the Registrar of Trade Unions. The City Solicitor advised that an application to the Court would be successful, which recommendation was initially accepted by Council. However, no doubt due to successful campaigning by Union officers, in October 1904 Council agreed by eight votes to five not to proceed with the recommended application to the Supreme Court.⁸ Negotiations then commenced, and considerably improved wages and conditions,⁹ were achieved in 1909 in the Union's first Award.¹⁰

It was not only the Union which saw the achievement of this first Award as progress. The Council regarded it as a step towards more harmonious relations with its workers. The Lord Mayor reported that:

Now the matter is settled, this Lord Mayor is certain that as far as Council is concerned the spirit and intention of the award will be maintained throughout, and he has good reason to believe from Mr Tyrrell, representing the Union, that the Union will take up the award in the same spirit; and as many anomalies have now been adjusted, it is reasonable to assume that this adjustment will save endless worry, trouble and annoyance to the Council and its Officers and give satisfaction to the employees. Finally it is satisfactory to record that the award was arrived at by a spirit of concession and compromise on both sides.¹¹

A copy of the first award between the Sydney Municipal Council Employees' Union and the City Council of Sydney, 1909 is reproduced on pages 62-65.

Early Award Negotiations

In 1912, City Council agreed to substantially increase wages due to "the unprecedented increase in the price of food, together with the high rents demanded for Workers' homes".¹² A new City Council Award made in 1913 provided for 61 classifications, enabling labourers the opportunity to receive higher grade pay, whereas previously all such work had been classified at a basic labouring rate.¹³ However, rat catchers received only an additional 6d [5 cents] per day when working in a plague area. A further achievement was that time spent by employees in waiting for and receiving wages was included as hours worked, while travelling time included: "Time occupied in travelling to or from work between the end of the first penny section from the Central Railway Station and such work shall

The Union's First Award 1909

[COUNCIL OF THE CITY OF SYDNEY (LABOURERS') BOARD.]

SYDNEY MUNICIPAL COUNCIL EMPLOYEES' UNION

v.

CITY COUNCIL OF SYDNEY.

1909.

June 16.

Award by Board—Conditions of employment of labourers by the Sydney Council.

Determination by a Board of the conditions of employment of Labourers by the Council of the City of Sydney.

The following are the terms of the Award:—

["INDUSTRIAL DISPUTES ACT, 1908."—BEFORE THE COUNCIL OF THE CITY OF SYDNEY (LABOURERS) BOARD.]

IN THE MATTER OF AN INDUSTRIAL DISPUTE BETWEEN THE SYDNEY MUNICIPAL COUNCIL EMPLOYEES' UNION, A TRADE UNION REGISTERED UNDER THE "INDUSTRIAL DISPUTES ACT, 1908," AND THE CITY COUNCIL OF SYDNEY.

Wednesday, the sixteenth day of June, in the year one thousand nine hundred and nine.

The Council of the City of Sydney (Labourers) Board, having taken into consideration the matter of the above dispute, hereby makes the following Award:—

AWARD.

1. Hours of Work generally.—The hours of labour for all employees engaged in carting, labouring, maintenance and cleansing shall not exceed forty-eight per week, except as hereinafter provided.

2. Hours of Watchmen.—The working hours of watchmen shall not exceed seventy-eight per week, taken on a fortnightly average.

3. Hours of Attendants at Public Conveniences.—The working hours of attendants at public conveniences shall not exceed fifty-nine per week.

4. Commencement of Work—Cleansing Department.—Employees in the cleansing department shall commence work each day at 5.30 a.m.

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5. Wages.—The following shall be the minimum rates of wages for the classes of adult labour indicated:—

Carters, 12s. per day.

Gully builders and masons, 10s. 6d. per day.

Labourers in the maintenance, cleansing, and electrical and other departments, 7s. 6d. per day.

Assistants to scavengers now receiving less than 7s. per day, 6s. 8d. per day.

Public convenience attendants, £2 11s. per week.

Two watchmen employed at Belmore markets, £2 15s. per week.

Two watchmen employed at Woolloomooloo and Wattle-street depôts, £2 12s. 6d. per week.

All other watchmen, £2 9s. per week.

6. Special Night Footpath-sweepers.—The special night footpath-sweepers, working not more than thirty-six hours per week, shall be paid not less than 25s. per week for the first six months of such employment, and thereafter shall receive increases of 2s. 6d. per week at the end of every six months until they receive a wage of 30s. per week. This clause shall apply as from 1st January, 1909, to special night footpath-sweepers in the service of the Council on the date of the coming into operation of this Award.

7. Wages of Block Boys.—Block boys who enter the service after this Award comes into force shall be paid at the following rates:—On entering the Council's service, 13s. 6d. per week, with an increase of 1s. 6d. per week at the end of every succeeding six months until 24s. per week is reached, and thereafter shall receive an increase of 1s. per week at the end of the succeeding six months until the wage of 25s. per week is reached.

Block boys in the Council's service at the date of this Award coming into operation shall be paid in respect of work performed after this date wages based on the above scale and calculated on the time of their entering the service.

Provided that this shall not apply to boys who enter the service prior to 1st January, 1907; and all boys who entered the service on any date during any first or second six-monthly periods of the years 1907, 1908, or 1909, except on the 1st January or 1st July

in those periods, shall, for the purpose of estimating the increments, be deemed to have entered the service on the 1st January and 1st July immediately succeeding their actual date of entering.

8. Overtime.—For work done between the hours of 6 p.m. and 5 a.m.—All employees other than watchmen, public convenience attendants, block sweepers, footpath sweepers, night flushers, and horse-broom sweepers, shall be paid at the overtime rate of time and one-third ordinary rates.

9. Holidays.—The following holidays shall be observed:—Good Friday, Easter Monday, Eight-hour Day, Christmas Day, Boxing Day, Union Picnic Day. These holidays, if not worked, shall be paid for at ordinary rates, and if worked shall be paid for at double ordinary rates.

Eight days other than the days above mentioned, and as arranged between the Council and the employee, shall be allowed in each year by the Council, provided that if the employee is requested to work and shall work on any of such eight days he shall be paid for at ordinary rates; but, in lieu of such time worked, shall be allowed time off on such days as shall be agreed upon between him and the Council.

10. Sunday Work.—For work done on Sundays, casual watchmen and park employees (other than permanent rangers) shall be paid at the rate of time and a half ordinary rates. All other Council employees in the maintenance, cleansing, and electrical departments (other than block boys) shall be paid at double ordinary rates.

11. Weekly Employees—Termination of Service.—All employees who have been in the service of the Council for a continuous period of two years or more shall be considered to be weekly employees, provided that the Council shall be entitled to make deductions from the wages of any such employee at proportionate rates for all time lost by the employee. The Council shall give to such employees, and such employees shall give to the Council, one week's notice of intention to terminate the employment, provided that this shall not affect the right of the Council to dismiss, without notice, any employee for misconduct.

12. Block Boys and Footpath Sweepers.—Block boys and footpath sweepers shall, on attaining the age of 21 years, have priority of claim for employment as labourers, other things being equal.

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13. Settlement of Disputes.—Should any dispute arise as to the interpretation of this Award or otherwise, it shall be referred to a representative of the Council and a representative of the Sydney Municipal Council Employees' Union respectively. In the event of these failing to agree or to appoint representatives, it shall be referred to the Chairman for determination, provided that the Chairman may refer the matter to the Board.

14. Locality of Award.—This award shall, within the City of Sydney, be binding on the Council of the City of Sydney and on all employees of such Council engaged in carting, labouring, maintenance, and cleansing, other than the employees engaged in carting, not providing their own turn-out, and such others as may come under the Award of the Tipcarters' Board, published in the Government Gazette No. 8 of 20th January, 1909.

15. Duration of Award.—This Award shall come into operation on its publication in the Government Gazette, and shall remain in force for a period of three years.

G. C. ADDISON,
 Chairman.

be paid for by the Council at the ordinary rate". As double-time was paid for work performed on a Sunday, the new Award provided: "So far as is practicable, employees shall be given their turn, in rotation, on Sunday work". Other than the City Council, by 1925 Waterloo was the only metropolitan Council paying employees on days they could not work because of wet weather.¹⁴

There was still much to be done as economic conditions deteriorated during the First World War. In giving evidence for the 1916 Award, J. McLachlan, employed as a disinfectant, stated:

There were only two men in the service engaged as disinfectants. An Award had never previously covered them. They received 9/- [90 cents] per day. (Besides cleaning out offices, washing bottles and acting as inspectors on persons breaking by-laws, they visited all places where persons had resided who were suffering from infectious diseases, such as fever, consumption, etc., and disinfected the rooms, bed clothing, etc., with strong formalin. He had been ill for some weeks twice and considered his illness was caused by the nature of his work. He gave the number of places he visited each day.)

The City Health Officer supported the evidence, and the rate increased to 10/4 [\$1.03] per day. By 1916, the Award provided for bicycles to be supplied for Council employees, but with strict regulations as to their use.¹⁵

The achievement of obtaining the early Awards was a great credit to the tenacity of the President and General Secretary, who, as well as filing claims, negotiating and advocating, still had to administer the Union and organise in metropolitan and country areas. Also, the work did not stop when new Awards were promulgated, since some Councils sought to avoid their Award obligations by dismissing wages staff to put on casuals or replace them with contractors.¹⁶

Not only were times economically difficult in these years, but working conditions were hard. In 1915, men in rural areas were away from their families for many weeks at a time, camping in tents with few and primitive facilities. Those able to return each week arrived home on Saturday night and then left again on Sunday to travel back to the job. Men working with horses had to travel up to 35 miles [58 kms] to have their horses shod, and Councils did not pay them for the time taken, which could be up to two days.¹⁷ Achieving improvements in camping facilities was a long campaign conducted over scores of years. While some Councils were receptive to providing adequate accommodation, it was many years before a tent for each employee was mandatory. While caravans were usually provided to road maintenance gangs, they were not mandatory until the 1960s, and by the 1990s caravans with improved facilities were supplied, including, by 1996, electric generators and air-conditioning.

Meanwhile, in 1912, a Cumberland wages staff Award had been obtained, covering 21 Sydney metropolitan Councils, and providing for permanent hands 8/6 [85 cents] per day, casuals 9/- [90 cents] per day and carters 12/6 [\$1.25] per day, with ten paid public holidays a year and wages to be paid in Council's time.¹⁸ Times were not easy, as the Union had to take a strong stand against Councils who sought to victimise members giving evidence in support of an Award claim.¹⁹

The Union made great use of the conciliation provisions of the Industrial Arbitration Act, obtaining its first Industrial Agreement in 1913 with Lithgow City Council, providing for over-Award payments.²⁰

In 1919, an Agreement with Randwick Municipal Council provided six days annual leave each year, long service leave of one week for each year of service, and members to receive full pay on workers' compensation for one week for each year of service, and additional sick pay.²¹ That policy continued, and over the years helped to consolidate improved conditions of employment and over-Award payments into hundreds of Industrial Agreements negotiated with individual Councils.

The City Council staff Award made in 1917 provided a salary of £156 [\$312] per annum for a clerk who on entering the service had passed the Junior, University, Public Service or Bankers' Institute examinations, and had completed a five-year apprenticeship. Other clerks and typists over 21-years of age received 50/- [\$5] per week. The highest salary was £225 [\$450] per annum for a records clerk/ electric light drawing office. Other classifications covered included library staff, assistant auctioneer/ floorman fish markets, and disinfecter/lethal chamber.²²

Horses, Carts and Plant at Leichhardt Council Yard, 1920's.



Source: *The Jubilee History of Leichhardt Municipal Council - Its History and Progress, 1871-1921* p. 45. Compiled by A. Violoux and C.M. Reeves, 1921.

With the Union's expansion into country areas, many disputes occurred with Councils which were not observing Award conditions. In 1913, ten casual employees of Oberon Shire went on strike for one month, returning to work after the Union obtained increased wages. In 1912, a one-week strike at Barraba Shire by 25 employees demanding 1/- [10 cents] per day extra was not successful, with only four returning to work while the others left to work elsewhere.²³ Breaches of Award wages and conditions were pursued on members' behalf throughout NSW, firstly by negotiation, or if necessary by application before an industrial magistrate. One common complaint in 1915 was that some Councils sought to put casual hands off for one day each two months to avoid having to pay them for public holidays. Difficulties occurred with some Councils in 1918 because, at the request of Farmers' and Settlers' Associations, they suspended all employees except those required for urgent works, so that they could be employed on harvesting operations. This was strongly resisted, as it meant that members would be paid pastoral industry pay rates, which were much lower.

First Salaried State Industrial Agreement 1920

THE FEDERATED SHIRE AND MUNICIPAL EMPLOYEES' UNION WITH COUNCILLOR A. PERRETT AND ALDERMAN R. SHEPHERD representing the Employers on the Conciliation Committee constituted for the Industry of Shire and Municipal Councils of New South Wales (except the City of Sydney).

Conciliation Committee appointed under Section 42 of the Industrial Arbitration Act, 1912-19, to represent the Shire and Municipal Councils of New South Wales (except the City of Sydney) and the Federated Shire and Municipal Employees' Union.

(Filed with the Industrial Registrar on 9th July, 1920.) No. 377.

THIS AGREEMENT, made the eighth day of July, one thousand nine hundred and twenty, by a Conciliation Committee appointed under section 42 of the Industrial Arbitration Acts, 1912-19. Whereas such Conciliation Committee consists of Councillor Alexander Perrett, of Turramurra, and Alderman Richard Shepherd, of Berry (representing the Councils, which are hereinafter called the Employers), James Tyrrell, of Queen Victoria Buildings, Sydney, and Henry Charles Rourke, of Randwick (representing the Federated Shire and Municipal Employees' Union, hereinafter called the Union), and Thomas Henry Jackson, Public Accountant, of 114A Pitt-street, Sydney, Chairman of such Committee. And whereas the Committee has agreed that the following rates and conditions should become and be embodied in an agreement to be certified by the Chairman and filed in accordance with the provisions of the Industrial Arbitration Acts, 1912-19, and should regulate the relations of the employers and the members of the said Union during the currency of this Agreement. Now this Agreement witnesseth that it is mutually agreed by the members of the Committee that the terms and conditions of employment hereinafter set out shall be observed and performed by the Union and the members thereof and the employers.

1. Area.

This Agreement shall be filed in the office of the Industrial Registrar as an industrial agreement within the meaning of the Industrial Arbitration Act, 1919, as amended, and shall apply to and be binding upon the employers and the Union, except in regard to the City of Sydney.

2. Duration of Agreement.

This Agreement shall relate to the conditions of employment of clerical workers only (except in the case of employees covered by clause 11 hereof), and shall have effect from the date of filing, and shall remain in force until the 31st December, 1921.

Either party may make application to the Committee for a variation of the Agreement in the event of a declaration by the Board of Trade increasing or decreasing the cost of living.

3. Definitions.

In this Agreement—

"Clerical worker" or "employee" shall mean a person either wholly or mainly employed upon clerical duties.

"Revenue" of a council shall mean all revenue from whatever source derived, and the amount thereof shall be that set out in the audited accounts for the previous year. From such revenue shall be excluded—

(a) Money received by way of loan.

(b) Money received and paid into a trust fund, so long as it remains in the fund and is not transferred to any other fund of the council.

4. Existing Rates.

No employee who at the date of this Agreement is in receipt of a higher rate of pay or other remuneration or more holidays than is herein provided shall have his pay, remuneration, or holidays reduced merely as a consequence of this Agreement.

5. Holidays.

(a) Each employee shall be entitled to two weeks' holiday each year in addition to all statutory and gazetted public holidays. In addition, in the County of Cumberland, the Union Picnic Day shall be a holiday. Provided that in any case of emergency the employee may be called upon to work on Sunday or on any holiday, but in such case he shall receive equivalent time off.

(b) Employees who are employed in places situated upon or to the west of a line starting from a point on the right bank of the Murray River opposite Swan Hill (Victoria), and thence by straight lines passing through the following towns or localities in the order stated, viz., Conargo, Argoon, Hay, Rankin's Springs, Marsdens, Condobolin, Peak Hill, Nevertire, Gulargambone, Coonabarabran, Wee Waa, Moree, Warialda, Ashford, and Bonshaw shall receive seven days' leave in addition to the holidays provided in this agreement.

6. Salaries—Male Employees, Juniors.

Where the employee is a male, and is—	The salary shall not be less than—
Over 16 years of age but under 17	£75 per annum.
" 17 " " " 18 	£100 "
" 18 " " " 19 	£125 "
" 19 " " " 20 	£150 "
" 20 " " " 21 	£175 "
" 21 years of age	£204 "

7. Salaries—Adult Male Employees.

The salaries of adult male employees shall be as follows:—

(a) Where the income of the council is less than £8,000, juniors shall be paid at not less than the rates set out in the foregoing scale and adult employees at not less than £204 per annum.

(b) Where the revenue exceeds £8,000 but does not exceed £20,000 per annum clerical workers shall be paid—

For employees graded A not less than	£250 per annum.
" " B " "	£225 "
" " C " "	£204 "

(c) Where the revenue exceeds £20,000 but does not exceed £30,000 per annum clerical workers shall be paid—

For employees graded A not less than	£275 per annum.
" " B " "	£250 "
" " C " "	£225 "
" " D " "	£204 "

(d) Where the revenue exceeds £30,000 but does not exceed £40,000 per annum clerical workers shall be paid—

For employees graded A not less than	£300 per annum.
" " B " "	£275 "
" " C " "	£250 "
" " D " "	£225 "
" " E " "	£204 "

(e) Where the revenue exceeds £40,000 per annum clerical workers shall be paid—

For employees graded A not less than	£350 per annum.
" " B " "	£300 "
" " C " "	£250 "
" " D " "	£225 "
" " E " "	£204 "