8. Grading of Staff.

The first clerk shall in each case be paid in accordance with the salary fixed for A Grade in his section.

Provided that where there is only one employee other than the town or shire clerk the council may place such employee in any grade.

The council may allot the grade or grades fixed in the preceding clause by placing one or more officers in any grade according to their duties, responsibility, qualification, and service.

In the event of failure on the part of a council to give effect to this Agreement in accordance with the scale of salaries fixed herein the matter shall be reviewed by the Committee, and should the Committee fail to agree the Union shall have the right to appeal to the Industrial Court to have the matter in dispute adjusted.

9. Deputy Town or Shire Clerks.

Certificated clerks who permanently hold the position of and are recognised as deputy town or shire clerks shall be paid not less than two-thirds of the salary of the town or shire clerk as fixed by the Agreement made with the Local Government Clerks' Association and filed on the 18th August, 1919.

Where a deputy has not yet obtained a certificate he shall be paid at not less than the rate fixed for first-grade clerk until such time as he obtains his certificate.

10. Female Employees.

Typists and Stenographers—

	Shall be paid not less than—
17 years of age and under	£75 per annum.
Over 17 years of age and under 18	£90 ,,
,, 18 ,, ,, ,, 20	£100 ,,

Such employees over 20 years of age shall be paid not less than £104 during the first year after this Agreement; during the second year, £130; and during the third year, £156. Typists now in the service of a council for a period of twelve months prior to the date of this Agreement shall from the date hereof, irrespective of age, be entitled to have their salaries increased to the grade next above the rate of wages they are receiving at the date of this Agreement.

11. Draftsmen, Building Inspectors, Surf Shed Managers.

Any person employed as a building inspector, draftsman, bath and/or surf shed manager, shall receive £44 per annum in excess of the wages paid to him by the council on the first day of October, 1919. The persons affected by this clause shall be—

(*a*) Surf Shed Managers.—Those so employed and designated as such at Manly, Randwick, and Waverley, and shall not be deemed to include foremen.

(*b*) Building Inspectors.—Those who are engaged solely on the work of building inspection, and do not carry out other duties such as that of health inspector.

(*c*) Draftsmen.—Those engaged wholly or mainly in the preparation of plans.

No person other than those covered by (*a*), (*b*) and (*c*) hereof shall be affected by this clause.

12. Hours of Duty.

This Agreement was based upon the usual and regular hours of labour observed by councils—that is to say, 9 a.m. to 4·30 p.m. on Mondays to Fridays, and 9 a.m. to 12 a.m. on Saturdays. It is agreed that where an employee under the written authority of the town or shire clerk works up till 6 p.m. on any day from Monday to Friday, or until 1 p.m. on Saturday, he or she shall be entitled to a meal allowance for that day of 2s.

Any council shall have the right within two months from the date of this Agreement of readjusting its office hours for the purposes of this clause.

13. Higher Grade Work.

Any employee performing the duties appertaining to a position of a higher grade than that in which he had been previously employed for a period exceeding one calendar month shall receive salary of such higher grade for the period of such excess.

14. Accident Pay.

Where an employee or his dependents would be entitled to the benefit of the Workmen's Compensation Act, 1910, but for the fact that he is in receipt of over £312 per annum, the council shall be liable to pay compensation to such employee or his dependents in the same manner and under the same circumstances as if such employee were a "workman" under that Act. Provided that this clause shall not come into operation for six months from the date hereof.

15. Disputes.

Should any dispute arise out of this Agreement it may be referred to the Committee. This shall not be taken to interfere with the right of either party to proceed for a penalty for a breach of the Agreement.

16. Residence.

Where an employee is supplied by the council with a residence (with or without additional concessions such as fuel and lighting), the weekly value of such residence (and concessions) shall be agreed upon between the council and the employee, or upon *their* failure to agree shall be settled by the Committee. The weekly value so arrived at may be deducted from the salary fixed by this Agreement in respect of that employee.

17. Preference to Unionists.

Subject to the Returned Soldiers and Sailors' Employment Act, 1919, other things being equal, as between persons offering their labour at the same time, preference shall be given to members of the Federated Shire and Municipal Employees' Union.

In witness whereof the parties hereto have hereunto set their hands the day and year first hereinbefore written.

Signed on behalf of the Employers by the said Alexander Perrett and Richard Shepherd, in the presence of— ALEX. PERRETT. RICHD. SHEPHERD.

M. REILLY,
Clerk,
Sydney.

And on behalf of the Federated Shire and Municipal Employees' Union by James Tyrrell and Henry Charles Rourke, in the presence of— JAMES TYRRELL. HENRY C. ROURKE.

M. REILLY.

I, Thomas Henry Jackson, the Chairman of the Conciliation Committee constituted for Municipal and Shire Councils and their employees, hereby certify that the within written Agreement has been come to under the provisions of Section 41 of the Industrial Arbitration Act, 1912, as amended, by the members of such Committee, and has been signed by such members on behalf of the Employers and the Union concerned.

Dated this 9th day of July, 1920.

T. H. JACKSON,
Chairman of Conciliation Committee.

Source: NSW Industrial Gazette I.G. Vol. 18 July 1920 pp. 101-104

Carters were important to the Union as their conditions were initially regulated through a Tipsters' Wages Board, but were embraced by the Union. In 1910, there were 165 in the City Council alone, the majority in the Cleansing Department. There were hundreds of members providing horses and/or carts, and the cost of providing fodder was a constant problem. In 1915, it was stated, fodder supply was left in the hands of speculators who mercilessly exploited producers and consumers.[24] In 1919, a breakthrough was achieved when payment of a fodder allowance was obtained for employees of rural Councils, even to those in Councils not members of the Shires Association, and the Union was the first ever to achieve such a payment.[25] Previously, the only additional payment was an entitlement for feeding and grooming horses outside working hours, including Sundays, of 10/- [$1] per week for up to six horses and 12/6 [$1.25] for more than six.[26]

Typical horse and cart being used for garbage collection, Manly 1919

Source: State Library of NSW, PICMAN.
At Work and Play, 00633

In 1919, an application to the Court of Summary Jurisdiction was successful in having the allowance for providing a horse and cart for public holidays paid to employees.[27] In 1964, the award still provided for payments for providing horses, carts or drays, wagons, scoops or ploughs – which amounts by then were to be paid during annual leave and for weeks when horses were not worked. After 78 years, in 1981, the Award still provided $15 a week for a saddle horse and from $22 for the first non-saddle horse, down to $19.10 for the third or subsequent horse.[28]

The Union's policy early in its life was for members to have preference when Councils discharged employees, and for them to have preference to be re-employed over other applicants. Preference was first obtained in the City Council, and in 1919 the new State Wages Agreement included a preference clause providing:

> Other things being equal as between persons offering their labour at the same time, preference shall be given to members of the Federated Shire and Municipal Employees Union; provided that in no case need preference be given as against a returned soldier.

Seniority was also the Union's policy for internal appointments, and in 1934 the Town Clerk City Council issued an instruction to Departmental Heads that seniority was to take effect when making appointments where all other considerations were equal.[29] Similar provisions were subsequently included in Awards to provide preference for existing employees when Councils were making appointments to higher-grade positions.[30]

In 1916, the General Award provided that employees could make application to their Council for wages to be paid weekly. The Union contended this was necessary as:

> … in the present days of high prices workers are compelled to purchase in the cheapest market, and to do that they must pay cash for their goods. It is well known that local traders charge an extra half-penny for booking, and where workers only receive their wages once a fortnight, or once a month, they are compelled to subscribe to this system.[31]

As individual claims to Councils were not achieving success, the issue was taken to the Wages Board. However, by 1919 most Councils were still paying employees monthly, and a campaign was initiated to bring about fortnightly payments of wages, which was achieved by 1923.[32] A campaign for weekly pay commenced in the 1930s, but the Shires Association strongly opposed this claim, and it was not until the 1980s that the State Wages Award was varied to provide for weekly pays, providing fortnightly pays were able to be continued for those employed by twenty Councils in the Western Division of NSW.[33] However, this changed in 1984 with the introduction of a 38-hour week for wage employees. A cost offset agreed to was that employees in an individual Council could agree to reverting to fortnightly pay.[34]

"Block boys" (or "sparrow starvers" as they were called) were an integral part of City Council employment structure. Young boys from 14 years of age were employed to shovel horse manure from streets around their allocated city blocks and they were strictly controlled. In 1914, block boys went on strike for half a day seeking increased wages. They only received 4/2d [41 cents] a day, but their claim was unsuccessful at that time.[35] There were two hundred block boys at the end of World War I and their pay was meagre. However, it was a sought-after job because when the boys reached 21 years of age, if vacancies were available, they were appointed as permanent night broom sweepers and street flushers or to positions in the Cleansing Department. The Union was successful in having the Labor-controlled Council in 1919 agree that if there were no other vacancies, they would continue to be employed as block boys, but on full male wages.[36] The employment of block boys continued until the late 1920s, when the work was absorbed into general cleansing work.

Not only were Award claims pursued but, following the death of a block boy in 1916, the State Government agreed to the Union's request to pay the cost of the funeral as he was not covered by workers' compensation. The block boy was trying to recover his scoop from the Macquarie St. roadway

to prevent it being run over when he was killed instantly. The Coroner returned a verdict of accidental death, but directed that when boys first commenced employment they should be instructed about avoiding traffic when working along city streets. Two Union solicitors attended the inquest and, as a result, sought Government cover for block boys under the Workers' Compensation Act.[37]

Block Boy, Sydney City Council, 1926

Source: S. Fitzgerald *Sydney 1842-1992*
Sydney City Council Record Service 538/380

Island Awards

A major advance was achieved in 1915, when Mr. Justice Heydon, in the Court of Arbitration, established Wages Boards for those employed throughout NSW Municipal and Shire Councils as "labourers", used as a generic term, except for those employed as health and sanitary inspectors and some Electrical Department employees of the City Council.[38]

The next milestone was in 1918, with the decision in the Sawmillers' Case enabling establishment of "island" or industry awards, to be constituted to provide coverage for all employees.[39] That decision was summed up some years later, in 1933, by Mr. Justice Cantor in connection with a City Council application to reduce wages during the Depression:

> Moreover the whole question of the creation of Industry Boards and their purposes and character – later called Establishment Committees – were dealt with by this Commission in the case of *in re* Sawmillers', etc. Country Board (1918 A.R., 194). In that case the Commission, after having had the advantage of very full argument on behalf of a number of employers and unions affected by the constitution of such committees, reviewed thoroughly the history of these Boards from their inception some twenty years before, and came to the conclusion that ordinarily separate Boards or Committees should be constituted for island industries or establishments carried on under a system or scheme of organisation in which all employees must, as far as possible, work together under one system of rules and regulations, and the employer and his employees excepted from the constitution of the other committees whose awards would be binding upon them. Under the earlier decisions of the Court, before a recommendation would be made for the constitution of an Industry or Establishment Board, and the exception of the employer from various craft boards to which otherwise he would have been subject, the employer was required to give certain undertakings relating, amongst other things, to the rates of wages for craftsmen or artisans. The employer was required to consent to the rates of wages for craftsmen to be prescribed by the Board being the same as those fixed in the craft awards so long as the work done was of such a character and done under such conditions as to be fairly ranked with that done by the average all-round craftsman employed outside the industry, and the employer was also required, in any case where it was proposed to contend that the work was not of such a character and done under such conditions, to undertake to send notice to the Secretary of the Union covering the employees in question so that he might have an opportunity to contest the point. It was also insisted that the employers should consent to the award for the establishment prescribing that the proportion of apprentices to journeymen should be the same as that contained in the award relating to the trade in question. In the Sawmillers' case, however, the majority of the Commission was of opinion that no undertaking should be required to be given before the constitution of an Establishment Board for an industry would be recommended by the Commission.

Over subsequent years, the Union was able to maintain an industry standard of wages and conditions. Moreover, when Councils increased in size, the Union would sometimes apply for separate "island" Awards, which were of benefit to members since Award salaries/wages and conditions could often be achieved on a higher standard than those generally obtained in individual State Awards.

In the 1920s, the advantage of "island" Awards for individual Councils was well appreciated, and the first of those was achieved in 1928 with separate Awards for St. George County Council and Clarence River County Councils.[40] The policy was pursued, resulting in separate Awards or Industrial Agreements in many Councils in subsequent years.

State or Federal Awards?

In 1919, following a decision by the High Court of Australia where a majority of Judges decided that municipal Councils were not State instrumentalities, and therefore not immune from the jurisdiction of the Federal Arbitration Court, the Union reported:

> The decision had given general satisfaction amongst the members, and also it is one of the most important decisions that has been determined in Australia for some time. Although men who are well up in law told the officers that they had only a fighting chance. Considering that the three State Governments, viz., N.S.W., Victoria and Tasmania, the municipalities, municipal associations, and all the best legal talent in the Commonwealth have been against us, members of the Union ought to congratulate themselves on having assisted to secure that decision. At the time of writing there are a few more important points to be decided, viz., they are going to contest the constitution and argue that it is not an industry, and therefore should not be registered as an organisation. And whether there is an industrial dispute extending beyond One State, we intend to go right on and fight to a finish, as we have been game enough to tackle them, and so far have been successful. Although it has cost close upon £2,000 [$4,000] since the plaint was issued, officers consider it has been money well spent. Thanks are due to the members of the Union who responded to the payment of the Federal levy.

The Union continued its fight, and was successful in maintaining its constitutional industry coverage and also the right to serve a Federal log of claims on Councils in various States, thus creating an interstate dispute. The Union lent itself to those logs to give the opportunity for other State Branches of the Federation to obtain Federal Awards, even though NSW was not bound by those Federal Awards.

Up until 1919, Councils who were not members of the Local Government and Shires' Associations (LGSA) were not covered by Awards, so that separate Federal Agreements had to be made by the Union to cover their employees and then registered in the Federal Arbitration Court. Following applications by the Union and the LGSA in 1919, Wages Boards were replaced by Conciliation Committees, enabling Awards to be made covering all Councils.[41] To ensure the LGSA's support for the establishment of Conciliation Committees, the Union agreed to have NSW Councils exempted from the Federal Award Log lodged by the Federation. That position was ratified by Federal Council,

who agreed to withdraw that part of the Federal Log. Thus began the Union's total reliance on the NSW industrial regulatory system into the future.

Awards in the 1920s

In 1922, the Union opposed applications by the LGSA and the City Council for a reduction of 4/- [40 cents] per week in the salaries and wages of all officers and employees, in accordance with the Board of Trade's basic wage decision of May 1922. Since the declaration was an intermediate one, and not contemplated by the parties when the different Agreements had been negotiated, the Union refused to agree to the reduction. When the dispute was arbitrated, the Union was happy that: "The result achieved must be regarded as eminently satisfactory". Instead of a reduction in wages from 1 July 1922, as sought by the applicants, the reduction did not take place till 14 September 1922, and was not made applicable to members of the Professional and Clerical Division. As a consequence it is estimated that the members of the Union saved £28,000 [$56,000] in wages.[42]

Coverage for salaried staff commenced throughout NSW in 1920, with the first Industrial Agreement covering salaried staff up to and including Deputy Clerk.[43] (see pages 68 to 71) The spread of hours for salaried staff was thus fixed, which could have resulted in a 35½-hour week if the lunchtime break of one hour had been specified. Workers' compensation was to be paid to those receiving up to £312 [$624] per annum, and preference in appointment was obtained for members. A Union comment of the time noted that: "An agreement of this nature is an innovation and many established deep rooted prejudices had to be overcome".[44]

This Award was expanded in 1922 to cover Sewage Drainage and Building Inspectors, and Head Gardeners, while the City Valuer and Librarian at Broken Hill were included in 1925.[45] These amendments were the forerunners to progress over the years in covering scores of technical and professional staff classifications. Some 30 years later, with the formation of the salaried and professional section (see Chapter 2), Award coverage for a much wider range of classifications was progressively achieved.

An innovative Award provision obtained in the 1920s was for employees to receive sufficient time off without loss of pay to vote at Federal, State, Municipal and Shire elections.[46] The Union also commenced very successful campaigning with individual Councils for higher above-Award salaries and wages.[47] By 1919, forty Councils had agreed to pay an extra 4/- [40 cents] to 12/- [$1.20] per week, which amounted to significant over-Award payments.[48] That approach continued through the years with great success, and Annual Conference reports show that in some years over 20 such agreements had been registered. In 1970, of 85 Industrial Agreements registered by unions in NSW, the MEU had registered 22.[49]

The Arbitration Court was replaced by the Industrial Commission of NSW in the late 1920s, and continued to be used to great advantage by the Union. Under the system, a Conciliation Commissioner sat with a Committee comprising equal numbers of Union and employers' representatives with voting rights. A majority decision was often achieved *in camera* which had only to be ratified by the Conciliation Commissioner, but if the Committee was evenly divided, the Commissioner made the decision. As the Committee met *in camera,* how representatives voted was not publicised. Not all

unions supported the Committee system, nor did some employer organisations, as it required attendance by their representatives, often for lengthy periods and in many industries, and it was not possible to guarantee majority decisions. This system lasted until the 1970s, when the Committee system was abolished. Conciliation Commissioners thereafter sat alone to determine matters.

The Union's reliance on negotiated settlements was emphasised. Jim Tyrrell, speaking to the Sydney Corporation Bill in 1928, stated there had not been a general strike in the City Council during the first 25 years of the Union's existence.[50]

The Depression Years

The Depression years hit the Union hard, with a loss of 1,000 members in 1930, and a further 3,000 in 1931 (see Table 1). The General Secretary stated in 1930:

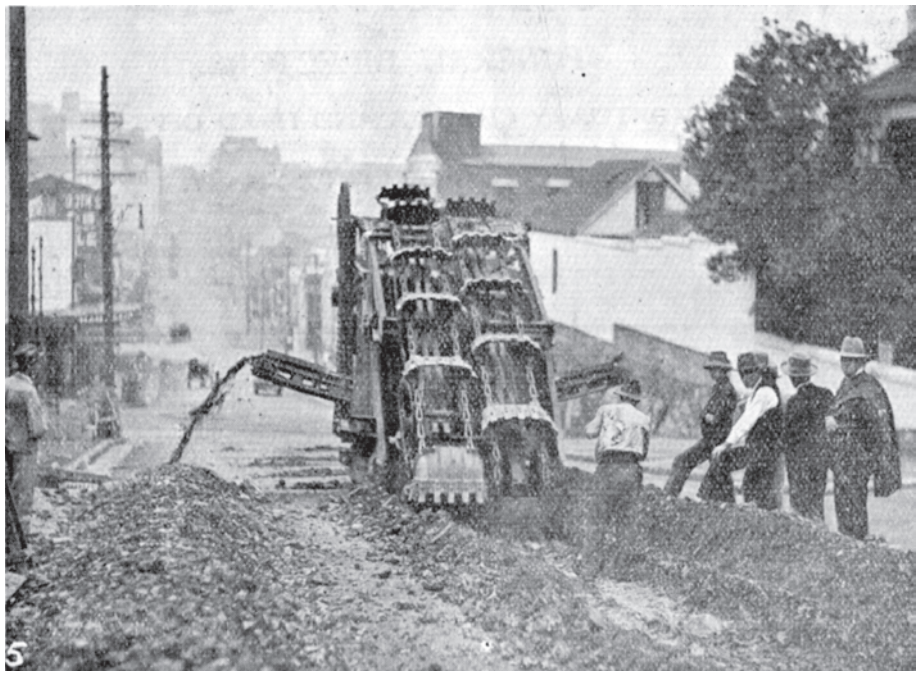
> I do not blame the financial stringency exactly for the depression that has occurred in our industry in New South Wales, as there are other causes, the particular cause being the introduction of modern machinery. Primarily, however the main cause is the general unemployment existing in the State, and that is due first to indiscriminate immigration. Thousands of people have been brought to New South Wales under the system that has been in vogue, and no provisions has been made to employ them, with the result that they have been thrown on the labour market and have joined the ranks of the unemployed. Science has progressed so rapidly, particularly in regard to our industry, that it has caused numbers of men to be thrown out of employment. In our industry at the present time we have machinery doing the work which was formerly done by manual labour. The City Council has a trench-cutting plant which in virgin soil will do the work of five hundred men, and most Councils to-day have concrete-mixers and pneumatic tools which do the work of the pick-and-shovel men. I noticed at the present show in Sydney a machine for which the claim is made that it spreads metal and does the work of six men.[51]

The Depression placed stress on the Union to protect members as best it could. To permit the City Council to retain a larger number of employees than it would otherwise have retained, the Award was varied in 1931 to provide a rationing system whereby employees were stood down for one day each two weeks, and no overtime was worked.[52]

Labourers' wages in the City Council had fluctuated during the 1920s, reaching £4/17/6 [$9.75] but were subsequently lowered because of reductions in living expenses, and a general 10% reduction in wages. In 1930, at the beginning of the Depression, Council applied for a further reduction in wages, which proceeded through the Conciliation Committee and Court until ultimately, in an appeal to the Full Bench of the Arbitration Court, Justice Cantor's decision of 23 August 1933 referred to the margin of 15/- [$1.50] being paid, constituting:

> 9/10½ being the sum of money included in the outside labourers' rate in 1921, by reason of the fact they lost 10% of their time not paid for due to wet weather and other circumstances beyond their control.

New "Modern" Trench Excavator, 1930



Source: *The Counsellor,* March 1930 p. 12

2/1½ paid following Union requisition and Town Clerk report in 1925.

3/- paid as a housing allowance in response to the Union's claim as to cost of rental in the City area.

That 15/- [$1.50] margin was reduced to 5/- [50 cents] a week, and the new weekly wage became £3/13/6 [$7.35], based on the then living wage of £3/8/6 [$6.85]. This was a very substantial reduction, but by the Union's actions wage reductions had been delayed for three years until August 1933.[53] During this period, the Union had agreed to a ten percent rationing scheme whereby employees were stood down one week in each ten weeks rather than have a ten percent reduction in total employment.[54]

In coming to his decision, Justice Cantor noted that conditions of employment such as annual, sick, and long service leave were more generous than those applicable in industries generally, and mentioned the fact there was no deduction for lost time due to wet weather or other circumstances beyond employees' control. He also noted that Council paid retiring and compassionate allowances not applicable in outside industries. Those observations showed that the Union had, over the 1910s and 1920s, obtained conditions of employment for members in the City Council well in advance of those generally applicable in other industries.

The Union also faced difficulties in the Depression years when opposing individual Council schemes to reduce Award conditions, For example, one Council asked employees to agree to stand down voluntarily for one week in six. The matter was taken to the Industrial Commission, which ruled by majority judgement that the Council could ration work by standing down employees for one week in ten, or one day in each ten days, with the arrangement given a life of three months. The

President, Mr Justice Piddington, dissenting, stated that the arrangement might encourage other Councils to make similar application and expressed the view that Council had not taken all necessary steps to collect its due revenue from ratepayers.[55]

Another scheme opposed by the Union was for employees voluntarily to contribute four hours' pay a week to enable a Council to employ local unemployed workers, and if such "voluntary" payment was not made, such an employee could be dismissed. Another Council purchased fifteen pairs of boots at 6/8d [67 cents] per pair so that 50 bootless unemployed men could work one day a week, but any such workers had to indemnify Council against losses or injuries. Some Councils reduced the days their permanent employees worked, discharged them, or made them casual. This was to enable the employment of distressed local ratepayers as relief workers so as to enable them to pay their rates. The Union realised it could not get any satisfaction by going to the Industrial Court, because any unsatisfactory decisions might spread throughout the whole of the Industry Awards. Consequently, the Union sought to confine such practices to individual areas.[56]

Another hurdle during the Depression was the Nationalist Government's Public Service (Salaries Reduction) Act of 1930. This was passed despite the Union's insistence that Councils should not be included, as they were not subsidised, nor did they receive financial assistance from the Government.[57] However, the Conciliation Committee agreed to the 85% Award reduction on the basis it would not continue beyond 30 June 1931. Nevertheless, the Government extended the life of the Act, and reduced wages continued after that date. However Tyrrell was successful in the Legislative Council in having an amendment to the Act, which would have included Council employees, withdrawn. If it had been included it would have resulted in more substantial reductions than the percentage already approved.[58]

However, as the Depression continued to bite, and the City Council found itself needing to meet financial contingencies estimated to be £131,416 [$262,832], in order to prevent more members being discharged, and to contain rationing of work, the Union agreed to a 10% wage reduction for wages staff and up to 15% for salaried and senior staff.[59]

In 1935, the Union presented to the Labor Aldermen in the City Council a proposed motion to begin reversing the cuts, which was carried by a majority on Council, with only three dissentients. As the Union stated, "The majority of Civic Reform Aldermen endorsed the justice of the case made out", which resulted in partially increasing wages and salaries by restoring 66⅔% of wages and salaries lost, and led eventually to total restoration.[60]

There was still substantial unemployment in 1937, and the General Award was varied to give Council Overseers additional salary, calculated on the unemployment relief money expended. At the 1937 Metropolitan Picnic, The Honourable J. Concannon MLC, who was Secretary of a number of public service unions, paid tribute to the Union's industrial successes, pointing out:

> During my past associations with the Public Service Organisations, we have always looked to the Municipal Employees' Union for a lead, and although we occasionally outstripped them, generally we follow in their steps.[61]

The Second World War

During World War II, in 1941, the Union, anticipating restrictions on wage increases, asked the City Council to pay employees a war loading, and agreement was reached in the Conciliation Committee for an Award. This was disallowed by the Industrial Commission. Subsequently, despite an adverse decision in the NSW Supreme Court, the Union persisted and secured an Industrial Agreement with a unanimous vote of Council, although it could not be implemented.[62] Letters were sent and deputations taken to the Federal Minister for Labour and National Service who eventually approved the Agreement some three years later, on 22 September 1944, under National Security (Economical Organisation) Regulations. The Industrial Agreement was implemented retrospectivity from 12 May 1942. A wartime loading was also subsequently obtained in Sydney County Council wages and salaries Awards and also in the Newcastle Award. However, the Union was not successful in achieving a wartime loading across salaried State Awards, which saw members of the Local Government Officers' Branch expressing their discontent (see Chapter 2). At the end of that three-year campaign, the Union achieved another significant victory when the Deputy Director of Taxation agreed to spread tax payments on the loading over 124 weeks, instead of as a single lump sum, which was of great benefit to members.[63]

The Union was also involved in a different set of negotiations during World War II, when clothing and meat coupons were required, restricting individual purchases. Representations were made to the Rationing Commission which approved additional coupons for those using jack picks, and a further ten coupons for garbage employees. The Union successfully negotiated for members to purchase oilskins, which required only three coupons, instead of mackintoshes, which required ten coupons. Also two additional meat coupons per week were obtained for employees camping out.[64]

Later 20th Century Negotiations

In 1955, the Union faced a difficult issue in respect to protecting industrial gains in Awards for employees of electricity undertakings. There were conferences between managements of these major undertakings, some of whom sought to equalise wages and conditions throughout the industry.[65] The Minister for Local Government would not accede to the Union's request to represent employees at such meetings.[66] The Union then intensified its campaign by approaching each employer separately. The equalisation plan failed, allowing the Union to continue negotiations for each separate Award.

When members had been transferred from the City Council to the newly formed Sydney County Council in 1935, Awards were obtained maintaining City Council Award provisions. Similarly, when the Electricity Commission of NSW commenced in 1952, the Union followed its members through and achieved for all employees, firstly by Industrial Agreements then by Awards, the salaries, wages, and conditions of employment which existed for those transferred from the Sydney County Council. Such conditions were superior to those of other employees transferred from the NSW Railways and the Balmain Electric Light and Power Company.

With the economy in reasonable shape by the 1960s and 1970s, many improvements were obtained. For example, following the Federal Metal Trades Award decision in 1960, granting a 28% marginal increase, the Union mounted a campaign to achieve that very substantial increase and was successful in having it applied in most of its then 38 Awards. A similar flow-on of a 10% increase was achieved in 1963, although employer resistance was not as strong as for the 1960 increase.[67]

The Union was also active in protecting member's rights in other ways, as on the occasion of the 1980 closure of the Guyra and Gunnedah municipal abattoirs. The Councils lacked funds, and following representations, State Government agreed to ensure that redundancy and Award leave entitlements were paid.[68] A Union-led strike resulted in substantial redundancy payments being achieved from the Newcastle City Council with the closure of its abattoirs, resulting in two weeks pay up to 25 years service, then three weeks plus untaken sick leave of up to 52 weeks.

There was often strong opposition to extending Award coverage to new classifications. One example was an application for a Library Staff Award which, when no results were achieved after twelve weeks of negotiations, was referred to the President of the Industrial Commission, who facilitated the eventual Award.

In 1939 the Local Government Officers' Branch received a deputation from the Beach and Pool Officers' Association of NSW, requesting that their 30 members be accepted as members, and a claim made to cover them by Award. This was done, but it was not until well after World War II that a Pool Superintendents' classification was included in the Award.

New Awards or Industrial Agreements were also obtained for employees being transferred, and new employees engaged for newly established bodies such as the Cumberland County Council in 1953 (which became the State Planning Authority in 1964), the Waverley Woollahra Processing Plant, and the Sydney Farm Produce Markets Authority.

1980 saw the first consolidation of State Salaried Awards into a single Local Government Salaried Officer's Award to provide specific Award classifications previously prescribed in the Administrative and Clerical, Library, Engineering Professional and Technical Staff Awards. Also that year, a new Conciliation Committee was established that transferred senior Council staff into a Local Government Senior Officers' Award.[69]

In the 1990s, the Union faced a new challenge, requiring restructuring of Awards based on the State Wage Case decisions. A first skilled-based State Award was introduced in 1992, while pre-existing Awards were consolidated in a second State Award in 1995, following which new Awards were achieved by conciliation or arbitration in 1997 and 2000.[70]

Over this period, Union officials and members faced up to massive changes at both the local and peak negotiating levels for all Awards and Enterprise Agreements, with the focus changing to members being involved at local levels. Award changes were achieved by consulting widely with the membership and accepting those restructurings and Awards voted on by members. These Awards provided new salary systems and broad-banding structures within which employees were classified. These were unlike the Awards of the previous 90 years, which contained hundreds of individual classifications. Some conditions of employment were traded in exchange for salary or wage increases. Decision-making devolved to Consultative Committees established in individual employer organisations, which included both Union and employer representatives. Among the matters resolved have been problems of Award implementation, training, consultation with regard to organisational restructuring, job redesign, salary systems, communication and education mechanisms, performance management systems and hours of work.[71] The Union continued to cater for members at local levels from 1999 to

2002 over 300 new Awards, Consultative Workplace Agreements or Enterprise Agreements were finalised.[72]

Major achievements during the 1990s saw long campaigns reach fruition with provision in State Awards for family leave, redundancy provisions, and maternity leave in 2001. An innovative campaign for a Community Language Allowance began in 1991, and continued through Award negotiations in the 1990s with no success until the issue was taken to arbitration in 2000, resulting in it being included by Award.[73] Having achieved the Allowance, the Union organised a campaign to identify areas of need and conduct skill audits to identify employees who could be accredited to receive the Allowance.[74]

With Sydney hosting the Olympic Games in 2000, the Union obtained the first Local Government Olympic Enterprise Agreement approved by the Industrial Relations Commission on 1 August 2000. This Agreement with the City Council provided for improved pay and new work arrangements over the period of the Olympic Games, and also the Para-Olympic Games held immediately after, as well as an Olympic Rewards Program in which members were awarded tickets to selected events.[75]

10
Hours of Work

The Union continually campaigned, negotiated, or arbitrated to reduce normal working hours for members. In 1909, in the City Council, the first Award obtained for wage employees provided for a 48-hour working week, while convenience attendants were required to work 59 hours and watchmen 78 hours.[1] The 48-hour week was to be worked with 8 ¾ hours from Monday to Friday and 4 ¼ hours on Saturday. A Labor-controlled Council in 1920 allowed for hours to be worked over five days.[2] Saturday work was subsequently reintroduced by a Civic Reform-controlled Council, then abolished again by Labor in 1924.[3] The Sydney Metropolitan Wages Award in 1912 provided for 48 hours, as did the Country Wages Award of 1913, although there were exceptions such as lifesavers being required to work 60 hours.

From 48 to 44 Hours

In 1920, the campaign to have wage employees' hours reduced began to be successful, providing for a 44-hour week. Lithgow City Council was the first, followed by Erskineville Municipal Council and the City Council in 1921.[4]

In 1922, an application was made to obtain a 44-hour week in the general Awards and at a special court Judge Beeby made a recommendation for a 44-hour working week for Council employees, including gangers, engaged on the construction, repair or maintenance of roadways and bridges, and in the carrying and carting of material for such purposes, at the same rate of pay for the 44-hour week as the employees previously received for the 48-hour week.[5] He stated that employees could and would perform in 44 hours the tasks set them previously in 48 hours with very little or no extra cost to the ratepayers.[6] Whether it was to be worked over a five- or six-day week was left optional. When some Councils attempted to reduce wages, the Union approached the Local Government and Shires Associations, who advised Councils that employees were entitled to the same pay for 44 hours as they had received for 48 hours.

In September 1922, the Fuller Nationalist Government, as part of an assault on trade union achievements, legislated to restore the 48-hour week. An application by the Local Government and Shires Associations resulted in an order that wage staff employees, other than craftsmen, return to a 48-hour week from 5 January 1923.[7] At the same time, the City Council also decided to reintroduce a 48-hour week, and from 2 January 1923 the President had to defend the Union against newspaper allegations that there was to be a special stop-work meeting of wage employees. He stated that the Union would "fight the application for a 48-hour week by all constitutional methods possible". Council sought Union agreement to alter the Award and enter into a three-year agreement incorporating the longer hours but maintaining other current conditions only for a three-month period.[8] This was opposed, and a ballot of members rejected the proposal. Finally the issue was agreed, with an increase in hours but with conditions retained.

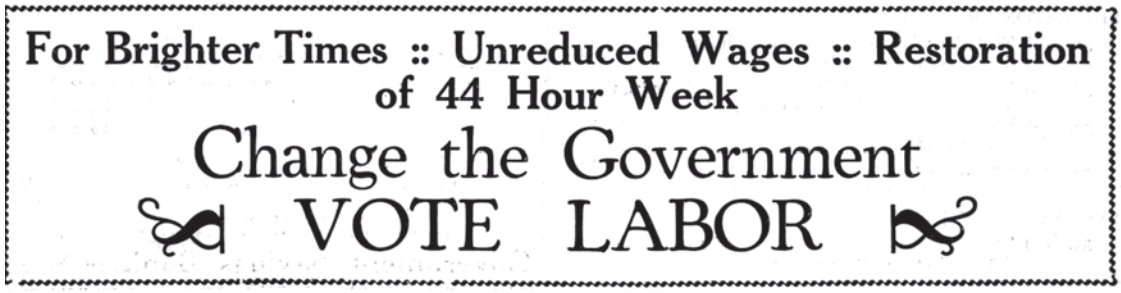
The Union had some success in resisting this winding back of hours of work. A number of Councils in both city and country areas agreed to retain employees on a 44-hour week. They were Alexandria, Bathurst, Erskineville, Hurstville, Junee, Kogarah, Nepean Shire, Paddington, Randwick, Redfern, Ryde, Rylstone, Woollahra and a number of Councils in the Newcastle district, Nevertheless, the weak position of the union movement at the time was summed up by the General Secretary at the 1923 Annual Conference in October 1923:

> There does not appear to be any prospect of the Union obtaining a 44-hour week by any of the processes open to it and members will have to be content to continue working a 48-hour week until such time as a Labor Government is returned to power and places the 44-hour week on the statute book. Members of this organisation can take consolation thanks to the determined fight put up by the G. S. and the Executive in the fact that they retained the 44-hour week for a considerably longer period than other industries.[9]

The 44-hour week again became a reality from January 1926, following the Lang Labor Government's legislation. It was to be implemented by working 44 hours a week – 8 hours a day from Monday to Friday, and 4 hours on Saturday. This was not the Union's preferred pattern, which was that employees should work the 44 hours between Monday and Friday, leaving Saturdays free. That arrangement was actively pursued with individual Councils with some success.[10]

Despite 48 hours being reintroduced by the Bavin Nationalist Government in 1930 at the beginning of the Depression, some Councils agreed that employees could continue to work a 44-hour week.[11] When this Bill was being debated in the NSW Legislative Council, Tyrrell was successful in having City Council wage employees excluded since they had, by Award, a 44-hour working week, a condition which had applied prior to 1 January 1926.[12] The amendment also excluded all clerical and professional Council employees whose working hours had been less than 48 hours prior to 4 January 1926.[13] The Union's campaigning and publicity in *The Counsellor* in 1930 helped achieve a change of Government, and the Lang Labor Government reintroduced the 44-hour week from 1931.

Union's Political Campaign, 1930



Source: *The Counsellor,* October 1930 p. 7

However, the hours for salaried staff were not affected by the operation of either the 48- or 44-Hour Acts, since their weekly hours continued according to their respective Awards.[14] Salaried staff were always in a more privileged position from the outset. Their working hours, first fixed by the City Council Town Clerk in 1904, were: Monday to Friday, 9.00 am to 4.30 pm, less lunch break; and

9.00 am to noon on Saturdays.[15] In 1931, hours of work for clerical and professional staff in the City Council were specified as 36¼-hours, while salaried supervisors and power station engineers were working a 44-hour week, the same as wages staff.[16] The first Agreement to cover salaried staff throughout NSW, made in 1920, provided for a 35½ -hour week.[17] The 36¼ -hours standard continued for salaried staff transferred into the Sydney County Council when it was established in 1935. These were early starts to the subsequent general achievement of the 35-hour week for salaried staff.

Towards a 40-Hour Week

Broken Hill Council agreed to grant a 40-hour week in 1934. In 1935, the Union began its campaign to achieve a 40-hour week throughout the industry, with the General Secretary writing to all Councils in the following terms:

> The members of your Council no doubt are aware that efforts are being made right throughout the civilised world to reduce the hours of labour. The Geneva Conference recently agreed that the working week should consist of 40 hours which coincides with the policy of this Union, and I am directed by the Central Authority of the Organisation to ask would you be good enough to place before your Council an application from this Union that the working week period be reduced to 40 hours, and that the hours of all employees of the General Staff be limited to that number and paid for the week the same amount as is now paid for the 44-hour week. There are a number of other employees engaged on tasks where the Award provides for a working week of less than 40 hours; they, of course, would not be effected by the change from the 44-hour working week to a 40-hour week.[18]

By the end of 1935, twenty-four Councils had agreed to a 40-hour week. They were: Alexandria, Adamstown, Auburn, Broken Hill, Bankstown, Balmain, Botany, Carrington, Cessnock, Erskineville, Fairfield, Illawarra Central, Illawarra North, Kearsley Shire, Lithgow, Liverpool, Moree, Marrickville, Newtown, Nyngan, Paddington, Redfern, Ryde, and Waterloo.[19]

In 1936, the Sydney County Council agreed to vary the wages Award to provide a 40-hour week, but the Conciliation Commissioner ruled that the Conciliation Committee had no jurisdiction to vary the Award to grant less than a 44-hour week.[20] An appeal to the Industrial Commission by both the Union and the SCC was unsuccessful; separate judgements discussing the appeals were delivered on 30 November 1936, but the substance of each was the same, briefly summed up by Mr Justice Cantor:

> (1) Under section 6 of the Forty-four hours' Week Act, 1925, it was held definitely by the Industrial Commissioner that hours could not be reduced below 44 except by a tribunal satisfied that the work of the employees concerned was prejudicial to their health.
>
> (2) The provisions of the Act of 1925 were repeated by the Legislature in the present Act No. 53 of 1930, which came into force on the 5th January 1931.

(3) Ever since that date the Act No. 53 of 1930 has been given the same interpretation as was placed upon it by the Industrial Commissioner in 1926.

(4) In my opinion, the interpretation placed upon the Act by the Industrial Commissioner and by this Commission subsequently is correct."[21]

The General Secretary, reporting on the position to the 1937 Annual Conference, stated:

> One Council, namely the Glebe, has agreed to a 40-hour working week with the same rates of pay for 44 hours, and two Councils, namely, Botany and Redfern, who had adopted a 40-hour week, have reverted back to 44 hours since my last report.
>
> The decision of the Industrial Commission in the Sydney County Council case has had the effect of preventing other Councils from adopting a 40-hour working week, mainly through fear that they may be surcharged if they were to pay their employees 44-hours' pay for 40-hours' work, and it would appear that there is little or no prospect of making any further progress towards obtaining a 40-hour working week, except by alteration of the Arbitration Act, which would set out as a principle the 40-hour working week, and there is no likelihood of the present Government amending the Arbitration Act to that extent. The Labor Movement is pledged to a 40-hour working week, and in the event of the Party being returned to power no doubt an alteration of the Act would take place, which would grant to all men in industry a 40-hour working week.[22]

During the years of the Depression, the influence of the trade union movement generally, as of the MEU, was very weak. Without a Labor Government in NSW, there was little hope for legislation reducing hours of work. The Union advised in 1937:

> At the Premiers' Conference [in 1936] a resolution was submitted by the Premier of Queensland to uphold the principle of the 40-hour week. He was supported by the Labor Premiers of Tasmania and Western Australia. But, despite the pledge given by the representative of the Australian Government at Geneva, the other Premiers voted against, and defeated the proposal.
>
> The course then left to the Australian working class, while continuing to press for the introduction of the 40-hour week on a Commonwealth basis, was to move for a commencement of the 40-hour week in each State, especially where Labor Party Governments, pledged to its support, were in office. In all States it became urgently necessary to stimulate the development of action by the workers themselves to enforce the required reduction in hours.

There was controversy at the 1940 Annual Conference because members of the Town Hall Branch had decided to work additional hours in exchange for an Agreement that those who enlisted for overseas service in World War II would be paid a monetary differential on top of their service pay to

bring them up to a full week's pay. At one of the largest attended Branch meetings in its history, salaried members had agreed to work an additional 2½-hours a week. Branch delegates advised that, as the salaried staff were working only 36¼-hours a week, they would "be exposed to public criticism if they did not align themselves with the move to work longer hours in other organisations". They did so, despite Union Executive directions for them to only work Award hours. The issue went to the Annual Conference where the explanation was accepted, particularly on the advice that the Branch had decided that under no circumstances would it agree to any variation of the Award.[23] Eventually, wage employees in some areas were also working longer hours, but in 1944 the Sydney County Council General Manager decided, because of absenteeism and sickness, to reduce the voluntarily agreed working week from 52- to 48-hours.[24]

There was little progress in the campaign for a 40-hour week during World War II, but the campaign continued and by the end of 1945 sixteen Councils had agreed to a 40-hour week.[25] The Union fully supported the 40-hour demonstration in the Sydney Domain on Sunday, 9 December 1945, and in that year Triggs was appointed to the 40-Hour Week Publicity Committee and E. Wright to the 2KY Wireless Committee, and in furtherance of the campaign the ACTU called for a one-day stoppage on 1 May 1947.[26]

The McGirr Labor Government introduced a 40-hour week from 1 July 1947 for all employees working under NSW Awards and Agreements which preceded the introduction of the 40-hour week under Federal Awards by six months.[27] Also in 1947, in support of the "No Saturday Work Campaign", the Union approached Councils to close on Saturdays, resulting in 94 Municipal and 67 Shire Councils closing, as against 95 remaining open. Agreement was reached with the Local Government and Shires Associations later that year that wage staff were to only work a five-day week.[28]

Aiming for 35-Hours

The next step was in 1971, when claims were lodged for a 35-hour working week for wage employees.[29] That year an Inquiry was begun by the Industrial Commission into the terms and conditions of employment for persons employed in the electricity supply industry, that is, generation, transmission and distribution. The subsequent Report, in February 1973, concluded that no case had been made out for a reduction in working hours in the electricity industry.[30] Unions recommenced their campaign, causing power restrictions to be imposed. The Government then asked the Industrial Commission to hold an Inquiry into working hours only for employees of the Electricity Commission of NSW. That Report, tabled in Parliament in September 1973, again rejected any reduction in hours. In 1973, the Askin Coalition Government amended the Industrial Arbitration Act to provide that, in future, standard hours of work could only be reduced by a decision of the Full Bench of the Industrial Commission. The legislation also prevented the implementation of any Consent Agreements reached between employers and unions without a further inquiry and the approval of the Full Bench.

In 1976, with the recent election of the Wran Labor Government, the Labor Council and its Combined Unions' Committee obtained guidelines from the Minister to set up Coordinating Committees with unions and management which studied various proposals for changes to work practices and efficiency arrangements. The resulting Inquiry was completed in late 1977. In 1978, applications were lodged with the Industrial Commission, but did not proceed to fruition due to a

refusal by employees in some generating power stations to carry out shift work in accordance with the arrangements agreed to in the Inquiry. The Labor Council negotiated with the Labor Government and the Electricity Commission, so that agreement was reached for a 37½-hour week to be implemented from June 1979, with a further reduction to 35-hours in 1981. The negotiations involved agreed changes to work practices so as to achieve improved productivity. These changes were to be implemented by local committees, and results reported to a joint Management/Union Monitoring Committee.[31]

Campaigning continued for reduced hours, but there was another setback in 1974 when the Askin Coalition Government amended the Industrial Arbitration Act to remove the right generally for ordinary working hours in Agreements or Awards to be reduced by consent. The General Secretary described the amendments as "retrograde, repressive, prevents conciliation and leads to conflict between State and Federal Award". After the election of a Labor Government, the Union wrote to the Labor Council in January 1980 seeking that that section of the Act be repealed.[32] In 1981, the Wran Government relaxed the law to allow reduced working hours to be introduced by agreement, and an application was lodged for a 38-hour week. By 1983, 87% of wage employees in the electricity distribution industry employed by the five major Councils were working 38 hours or fewer per week. Also in that year, a 38-hour week was obtained for employees in the remaining 16 electricity County Councils.[33]

Flexible hours were also pursued for members, and by 1981 City Council salaried employees were working their 36¼ hour week in a nine-day fortnight, while salaried and wage staff in 50 other Councils were working flexible hours.[34]

A claim was lodged in 1981, and Agreement reached with the Local Government and Shires' Associations in October 1982, for the introduction of a 38-hour week in the general wages Award. This Agreement suffered a setback when the matter came before the Industrial Commission due to objections by 22 Councils. The application did not proceed before a wider December 1982 decision of the Commission in Court Session, which set out new wage-pause guidelines, one of which was that Agreements made before 23 December 1982 for the introduction of a 38-hour week could be approved by the Commission in Court Session, subject to close scrutiny of labour costs and other factors, but that other applications could not be approved.[35]

Because of the objections, the claim did not proceed until the three-year campaign was successful in 1984, when the Industrial Commission granted a 38-hour week on the basis of cost-offsets being put in place and dispute settling procedures included in the Award.[36] Consequently, from 1984, wage members gained a 38-hour week, with salaried members on their 35-hours.[37]

In 1996, the Industrial Relations Act prohibition against reducing hours below 38, introduced under the Askin Government, was amended by the Carr Labor Government, enabling reduced hours to be negotiated in Enterprise Agreements, provided that cost offsets were substantiated under 2001 State Wage Case Guidelines.[38] Subsequently, in 1999 and the early 2000s, a reduction below 38-hours was obtained for wage staff in a few individual Enterprise Agreements.[39] However, the standard hours generally remained at 38, with the opportunity for variable working hours to be worked if introduced in individual Councils.