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Abstract

The 40-hour week was approved by the Commonwealth Arbitration Court on 8 September 1947, to take effect from 1 January 1948. The 40-hour campaign, the 35-hour campaign that followed in the late 1950s, the 44-hour campaign that preceded these, and union attempts between all three to fix the working week at either 30 or 33 hours, were parts of a long movement for the codification and reduction of Australian working hours that began in the mid 1850s with struggles by workers to establish the principle of the 8-hour day. Stonemasons in Sydney and Melbourne gained the first successes during 1855 and 1856. At the time skilled workers in these cities generally worked 10 hours per day Monday to Friday with 8 hours on Saturday. For other workers it was longer; shop assistants, for example, worked 12–14 hours per day. During the period 1913-1963, which embraces much of this campaigning, hours, leave and wages were the greatest causes of time lost in Australian industrial disputes, while rating second to issues relating to physical working conditions and managerial policy as causes of industrial conflict.

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Historically the codification and reduction of Australian working hours was not a linear progression from Point A to Point B. Rather there were twists, turns, reversals. At times the working hours issue had worker and trade union priority, at times it played second fiddle to other working conditions; it was variously put on hold by history (for example during World War 2), and at times took steps backward. For example in 1920–21 timber workers and some engineers were awarded the 44-hour week by the Commonwealth Arbitration Court, only to have it taken away in 1922. Further it was a progression that did not necessarily benefit all workers equally at the same time. Some workers were able to gain reduced working hours when others could not; for example in 1922 shearers in NSW, Victoria and South Australia gained the 44-hour week when shed hands did not and had to work a 52-hour week. This sort of disparity had

much to do with factors like the skills of the workers involved, their availability on the labour market, their strategic place within an industry or a State/National economy, the strength of their industrial organisation, the quality of their leadership, and how employers variously and differently assessed the issue of shorter hours with regard to productivity and profitability.

The reduction of Australian working hours began as a 'quality of life' issue and was seeded by the 8-8-8 campaigns of the nineteenth century, encapsulated in the slogan "Eight hours work, Eight hours recreation, Eight hours rest". The roots of this in turn were in the political radicalism which, during the first half of the nineteenth century, brought England to a state of revolutionary crisis, a rich cauldron where Chartist, trade union, liberal, democratic, republican, co-operative, socialist, religious, moral, ideas and impulses variously clashed, mixed, intertwined, and working people mobilized to bring about social, economic, and political change.

Powerful in this brew were the ideas, alternatives, initiatives of the Welsh social reformer, factory owner, pioneer socialist Robert Owen (1771–1858), and the ideas and work of his supporters (Owenism, Owenites).² During the first two decades of the nineteenth century, Owen pioneered reduced working hours in his cotton-mills in opposition to the tyranny and debilitating work regimes of the industrial revolution, with a view to promoting 'character-formation'—the physical, mental, educational and moral wellbeing of his workers. Later, during the 1830s, Owen was prominent in agitation for the eight-hours day, and mass strike action to achieve it. This advocacy coincided with the heyday of the Chartist movement; many Chartists had been associated with Owenism, and Owenites went into the Chartist movement as 'social missionaries'.³

Chartists eventually found their way to Australia; just over 100 were transported as convicts; many more came as free settlers, individually or collectively, especially following the collapse of Chartism after 1850, and were amongst those who pioneered and led the early antipodean 8-8-8 movement.⁴ Early critics of 8-8-8 argued that workers, freed from the social and moral disciplines of work, would turn their hands to frivolous pursuits, alcohol in particular. To which 8-8-8 supporters countered, no, they might actually seek to improve the quality of their lives, with education cited as a priority.⁵ Apart from the devil waiting in the wings for idle hands, 8-8-8 threatened employer profits, and pointed to future social and political change and unrest.

For a complexity of reasons, pursuit of a shorter working week became an Australian trade union priority. In buoyant economic times it was seen as a means of spreading available work equally amongst those already employed, while in slack economic times as a means of helping ease unemployment; it was also a way of securing for workers an unofficial and lasting pay rise by way of overtime, one that could not simply be negated by increasing prices; strategically it was a means of linking payment for work done to hours worked as opposed to constant employer attempts to pay according to incentive schemes. By 1927 piecework was common in Australian industry; a decade later it seems 20 per cent of jobs were paid by piecework. Favoured by powerful and influential employers, incentive schemes were largely anathema to the trade union movement, associated with the worst of working conditions in the Old World of Britain, associated with sweated labour, and regarded as an attempt to remove unions from the bargaining process; piecework had helped generate the traumatic 1917 'General Strike' in New South Wales.⁶

During all the 'hours' campaigns, including the 40-hour week campaign, trade union representatives and advocates argued that increased leisure time was paramount to an increased standard of living for workers. In reality reduced working-week campaigns did not necessarily deliver the moral/spiritual/self-improvement recreational time originally envisaged by Owen. Instead workers were delivered access to overtime, the ability to take up a second job, increased disposable incomes, and entrée to the individualistic world of consumerism. The success of the various 'hours' campaigns had a great deal to do with the Australian system of social democracy in place for much of the twentieth century. High tariffs protected industry and jobs from foreign competition; (White Australia) immigration controls further protected jobs, and there were minimum wage laws. A key agency helping deliver improved working conditions for all workers was the complex system of Industrial Relations which operated, into which conflict and adversarialism were built. It involved State and Commonwealth laws and authorities, specialist bodies like the Joint Coal Board, and mechanisms for private mediation and negotiation. Skilled trade union tacticians and IR specialists learned how to work and use the system to advance industrial and political agendas. For governments this social democratic totality required residual state welfare, and, during much of the twentieth century when there was an international alternative to capitalism in the form of bolshevism

and its heirs, generally functioned to dampen and/or contain militancy that might otherwise have threatened the capitalist state.

Following World War I there were demands and strikes in pursuit of the 44-hour working week. In places where some workers already had achieved this, as in the building industry in Adelaide and Brisbane, there were demands and stoppages for the 40-hour working week. Victorian metal unions campaigned for the 40-hour week in 1919 and 1920. The 1930 Australian Council of Trade Unions (ACTU) Conference demanded the 40-hour week.⁷ But the real kick-start was in 1935 when the Australian government's representative at the Geneva Convention of the International Labor Office, Sir Frederick Stewart, voted in favour of the 40-hour week. As well as being a conservative politician, Stewart was a prominent businessman, philanthropist, political gadfly, Methodist, social reformer, more "active in social and industrial policy than virtually all Labor politicians of his generation". While the conservative Lyons government refused to ratify the convention, Stewart became an advocate for the 40-hour week upon his return to Australia and implemented it in his own considerable business enterprises.⁸

The ACTU began campaigning in earnest for the 40-hour week in 1936, and at its 1937 Congress declared the 40-hour week to be not only possible, but necessary and imperative. Its argument was that mechanisation had and was increasing worker productivity, and workers had the right to share in growing profits. Moreover, workers were entitled "to the fullest amount of leisure, so as to cultivate the art of intelligent living". As the ACTU perceived industrial reality, current arbitration authorities opposed anything shorter than the 44-hour week, so it resolved to support direct action by any union/s in pursuit of the 40-hour objective.⁹ Which it did; after the communist led Miners Federation gained the 40-hour week in 1938, the ACTU backed strike action in 1940 to extend this to surface workers in the mining industry, only for the campaign to collapse following government threats to introduce non-union labour onto the minefields, and with little campaign support forthcoming from other unions.

It is a misnomer to think that Australia entered World War II with the full support of its citizenry; a month after the outbreak of war, Australian pro-war support waned.¹⁰ The nation literally had to be convinced, corralled into supporting the war effort. Factors which helped reverse this waning include government propaganda and censorship efforts, the advent

to power of the Curtin Labor government (1941), the reversal by the Australian Communist Party of its opposition to the war following Germany's attack on Russia (1941), the fear of invasion by Japan exacerbated by Japanese attacks from air and sea on mainland Australia (1942ff), ongoing government coercive threats and procedures against recalcitrant workers, consultation with and involvement of the trade union movement in manpower decisions and processes, trade union leaderships' disciplining of their rank and files. At the grass roots level, however, disruptive industrial activity continued throughout the war, and man-days lost in industry as a whole between 1942-1945 exceeded anything chalked up since 1929.¹¹

But overall the mood was of putting trade union claims on hold; the war was an interruption to normalcy; the struggle would be continued once international peace had been restored. And so mostly things were accepted, agreed to, including pegged wages, longer working hours, that would otherwise have been opposed. Moreover the war demonstrated that an economy could be planned, resources could be mobilized, full employment could be achieved. It all pointed in the direction of a better world, and an expectation that wartime sacrifices would be rewarded post-peace; the 40-hour week was widely regarded by workers as a due entitlement.¹² In early 1944 the Federal ALP Conference backed a Post-War Committee 40-hour week recommendation, and the ACTU began planning and negotiating the week with government ministers. Future wartime Prime Minister John Curtin (ALP) had promised the 40-hour week in 1937, as an election promise, and had reckoned an Australian government could legislate it into effect without it having to go to arbitration.¹³

In 1945 the ACTU put the 40-hour week back on the national agenda, arguing as Curtin had done, the government could legislate the 40-hour week, rather than unions having to work the matter through the arbitration system. Curtin was dead, and the Labor government refused, fearing the move would lead to inflation and depression, and left the decision for the Arbitration Court. Increasingly Labor was sensitive to mounting post-war critiques by conservatives and employers who had found renewed organisational strength through the war, of 'creeping socialism', and sought to insulate itself from potential electoral fallout by handing the decision to an 'independent' arbiter. However it did intervene to help get the case before the Court.¹⁴

The case began in May 1946 and ran to September

1947, a sixteen-month period involving 126 days of hearings, 26 advocates, 228 witnesses, and 440 exhibits. The bench was overworked and understrength as it juggled two major cases simultaneously, the hours case and a review of the Basic Wage. Employers played tactics, trying to link the two cases with a view to sabotaging the hours case. The ACTU threatened its first national strike. It was a frustrating process that generated a great deal of hostility/animosity in the trade union movement.¹⁵

From 1935 onwards the Amalgamated Engineering Union (AEU) was the “prime agitator” for the 40-hour week; the issue was a major objective for the union and discussion of it “was seldom absent from the pages of its journal”.¹⁶ The AEU was Australia’s largest manufacturing union with a preference for industrial rather than political action. The union had set up shop in Sydney in 1852, its roots in the bitter formative struggles of nineteenth century British trade unionism, where the length of the working day was a prominent issue. As the union grew in Australia it developed deep rooted hostility towards moves to have work paid under incentive schemes, rather than by hours worked. During the late nineteenth century, the principle of incentive schemes had been forced upon British engineering workers. In 1924 a rule prohibiting piecework was inserted in the AEU Rule Book.¹⁷

During the time the hours issue was before the Court, the AEU engaged in a long running and bitter strike over the issue of increased margins for its members. The dispute was national, crucially involved power and transport systems, and ended up in a win for the union. It drastically eroded the union’s financial resources, and was judged (in 1975) “one of the most hard-fought and certainly the most costly strike for a single union in the nation’s industrial history”.¹⁸ While this 1946-47 strike was not related industrially to the hours issue, it was politically. The AEU was prominently identified with the hours campaign, and its margins campaign demonstrated the sort of industrial resolve present in the Australian workforce and the extent of dissatisfaction with the way post-war working conditions generally were panning out. It was a time of high trade union membership with 50.8% of employees unionised. The message would not have been lost on the government, nor on arbitration authorities. Significantly, when the ACTU threatened a national strike in 1946 over the progress of the hours case, the Labor government leaned “on the Court to have it revise procedures which would have prejudiced the unions’ case”.¹⁹

The Communist Party of Australia (CPA) had a key role in

winning the 40-hour week. During the period from 1935 to the end of the 1940s, the CPA exerted significant influence within the trade union movement; the militancy of unionists during the 40-hour campaign can to some extent be attributed to this. Apart from the industrial and political influence it had via its membership amongst trade union rank and file and at leadership levels, the party vigorously campaigned for the 40-hour week, variously working to influence both the Australian Labor Party (ALP) and the ACTU.²⁰

Ruminations

Notionally the 40-hour week was the objective of labour movements throughout much of the world from 1935 onwards. In Australia it was achieved by campaigning which ran the best part of twelve years. It was put on hold during World War II, and Australian workers and their unions expected the shorter working week as part of post-war working conditions, an expectation which carried the demand insistently forward. The campaign was not a simple process, and eventually involved the whole labour movement and the full range of tactics at its command, everything from pamphleteering, lobbying, networking, through to militancy. Eventually the issue ended up in the arbitration system, which in turn had to be prodded to an acceptable outcome by political pressures and militancy.

The world that yielded the 40-hour week has gone. The economy has changed, old industries have been eclipsed or disappeared, new ones have developed; the system that protected Australian jobs at the time, and the IR system that prevailed, have all gone; trade union membership has plummeted; the ALP has changed; organised communism is but a shadow of what it was; a culture permeates society, unfortunately infecting some within the ALP, that collective bargaining and unionism are IR/economic dinosaurs; nationally there is extensive legislation which drastically curtails the operation of trade unions. Work too has changed, and the idea of a working week measured in a linear way in terms of hours and days has been white-anted by workforce casualisation, and by communications/cyber technology (emails, mobile phones, laptops, etc.) which makes many people 'employees' during/in what are, theoretically, their leisure times and private spaces. Further, due to globalisation and phenomena like 'guest worker' schemes and the offshoring of jobs, Australian workers are increasingly in labour market competition with workers overseas and their wages and conditions. So what do I, as a person committed to change from

below, take from all this?

1. An idea sown in society, as the 8-8-8 idea was back in the 1850s, does not necessarily have an immediate impact, but can, if tenaciously campaigned for, produce results way down the track—even a century later. Specifically, the achievement of the 40-hour week took at least 12 years, 28 years if you include advocates for the shorter week post-World War 1. Campaigners from below should be prepared to develop a long view of history.
2. The trade union membership levels that helped deliver the 40-hour week are nothing like the reduced levels of union membership today, and might never be so again, given the strong cultural forces favouring consumerism, materialism and individualism, workforce casualisation, the entry of people into the workforce who have little or no trade union backgrounds, and an IR regime inimical to unionism. Which is not to say that unionism is washed up, or that militancy is a dead issue. Far from it. But barring a stroke of the pen which introduces compulsory unionism, or another stroke that wipes out or rolls back the no-name brand once known as WorkChoices, strokes of the pen Peter Pan might believe in, unions may have to see themselves less as mass organisations than as smaller, leaner, even residual, outfits. All this is a different ballgame, one in which there is much to learn from NGOs regarding policy theory and practice. In general, also, there is a need to build constituencies beyond union memberships and engage in issues that transcend traditional bread and butter union issues. And here the realm of social-movement unionism beckons.²¹
3. Unions today need to see themselves as part, not only of a national working class, but an international working class. Increasingly Australian workers are linked like shadows to their counterparts overseas, shadows that might even be beaten children in Asian sweatshops. Seems to me that while there is a need to think and act nationally, unions need to do the same internationally. It is incumbent upon unions to develop wherever possible the ways and means to act globally, anything from as simple as supporting petitions for trade unionists abroad on the receiving end of authoritarian anti-unionism, to providing funds or assistance to targeted projects abroad, to developing links with unions, forums, and peak

organisations abroad, to solidarity action/s if possible. It is not only a moral responsibility but a political one. Capital is global. An Australian union at some future time might, in turn, well benefit from solidarity actions and support from abroad.

4. The past is history. It is there to contemplate, to be inspired by, and creatively drawn from. History helps us understand who we are, and how we came to be where we are. Seldom is it an instruction manual. But in looking at history from below, that is from the vantage point of those who have no state given powers, no great wealth, no power elite status or access to their networks, no power except that of ourselves and those like us who believe in, hope and organise for, a better world, the message comes through that grains of sand do matter, and that small battalions can roll back the big battalions.²²

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Endnotes

- 1 Desmond W. Oxnam, 'Issues in Industrial Conflict: Australian Experience, 1916-1963', *The Journal of Industrial Relations*, 9(1), March 1967, 23.
- 2 For an overview of Owen and Owenism see G.D.H. Cole, *Socialist Thought: The Forerunners 1789-1850*, Macmillan, London, 1953, 86-101, 120-131.
- 3 Chushichi Tsuzuki, 'Robert Owen and Revolutionary Politics', in Sidney Pollard and John Salt (editors), *Robert Owen: Prophet of the Poor*, Bucknell University Press, Lewisburg, 1971, 14.
- 4 For the political impact of Chartism on colonial Australia, including the eight hour day, see Paul A. Pickering, 'A wider field in a new country: Chartism in colonial Australia', in Marian Sawer (editor), *Elections: Full, free and fair*, The Federation Press, Sydney, 2001, 28-44; Brian Fitzpatrick, *A Short History of the Australian Labor Movement*, Macmillan, Melbourne, 1968, 82.
- 5 See for example correspondence in the *Sydney Morning Herald*, 26 February 1856, in R.N. Ebbels (editor), *The Australian Labor Movement 1850-1907*, Lansdowne Press, Melbourne, 1965, 59-61.

- 6 For the politics of piecework see J. Hagan, *The History of the A.C.T.U.*, Longman Cheshire, Melbourne, 1981, 30–36, 83–85.
- 7 J. Harris, *The Bitter Fight*, University of Queensland Press, 1970, 277; T. Sheridan, *Mindful Militants: The Amalgamated Engineering Union in Australia 1920–1972*, Cambridge University Press, Melbourne, 1975, 66–67, 110.
- 8 T. Sheridan, *op. cit.*, 122; C. J. Lloyd, ‘Stewart, Sir Frederick Harold (1884–1961)’, *Australian Dictionary of Biography*, 12, Melbourne University Press, 1990, 87–89.
- 9 J. Hagan, *The History of the A.C.T.U.*, Longman Cheshire, Melbourne, 1981, 102–103.
- 10 P. Hasluck, *The Government and the People, 1939–1941*, Vol. 1, Canberra, 1952, 193.
- 11 J. Hagan, *op.cit.* , 117.
- 12 *ibid.*, 204.
- 13 *ibid.*, 190–191.
- 14 *ibid.* ; T. Sheridan, *op.cit.*, 170.
- 15 T. Sheridan, *op.cit.*, 170–1; J. Hagan, *op. cit.* , 191.
- 16 T. Sheridan, *op.cit.*, 122.
- 17 *ibid.*, 89; for the nineteenth century background of the AEU see K.D. Buckley, *The Amalgamated Engineers in Australia, 1852–1920*, Canberra, 1970.
- 18 T. Sheridan, *op.cit.*, 171–179.
- 19 J. Hagan, ‘The Australian Union Movement: Context and Perspective, 1850–1987’, in B. Ford and D. Plowman (editors), *Australian Unions: An Industrial Relations Perspective*, Second Edition, Macmillan, Melbourne, 1989, 30.
- 20 J. Hagan, *ibid.*; R. Gollan, *Revolutionaries and Reformists: Communism and the Australian Labour Movement, 1920–1955*, Australian National University Press, Canberra, 1975, 203.
- 21 Three books that have stimulated my thinking about trade unionism in recent times are Meredith Burgmann and Verity Burgmann, *Green Bans, Red Union: Environmental activism and the New South Wales Builders Labourers’ Federation*, UNSW Press, 1998; Bradon Ellem, *Hard Ground: Unions in the Pilbara*, Pilbara Mineworkers Union, Port Headland, 2004; Greg Mallory, *Uncharted Waters: Social Responsibility in Australian Trade Unions*, Boolarong Press, Brisbane, 2005.
- 22 The images of the grains of sand and the battalions are freely adapted from remembered readings long ago of B. Traven and Claud Cockburn.