

# COMPULSORY

# UNIONISM

**A**USTRALIA is the most highly unionised country in the English-speaking world. *Two out of every three Australian wage and salary earners are members of trade unions compared with only one in three in United States and Canada and less than one in two in the United Kingdom and New Zealand.* But not content to rest on these laurels, local union leaders have recently been agitating for legislation to secure the millennium of 100% unionism.

Since the power of the Commonwealth in industrial matters is narrowly limited by the Constitution, compulsory unionism on any wide scale could probably only be introduced through the vehicle of State legislation. Because of the fear of infringing basic democratic rights, no State Labour Government, except in Queensland where the opposition parties have been in a hopeless minority for many years, has yet dared succumb to the dictates of its industrial supporters. This caution has abated somewhat in Victoria and New South Wales since the recent election victories of Labour and the Governments in these States are no longer turning a deaf ear to trade union demands for the introduction of compulsory unionism.

That non-unionists share in the benefits of awards secured by the unions rankles deeply with some union leaders. It is argued that these people are getting something for nothing, something to which they are not really entitled and that, therefore, they should be made to contribute to the cost by being obliged to join a union. The possibility of discrimination by employers in favour of non-unionists as against members of unions is also another sore point which it is claimed would be overcome by compulsory unionism.

Some union leaders go so far as to suggest that employers themselves would derive great benefits from compulsory unionism. Any union with a complete record of employees could act as a sort of labour exchange. Vacancies could be

automatically filled simply by contacting the union secretary. Under compulsory unionism, union officials, it is claimed, would be in a better position to ensure industrial discipline and the observance of awards.

*However, a study of recent pronouncements by union leaders seems to indicate that what they really want from compulsory unionism is the extra revenue from thousands of conscripted members.* Introduction of compulsory unionism in Victoria and New South Wales would probably swell all union funds by over half a million pounds, much of which might be available for political purposes.

## HISTORY IN AUSTRALIA

A measure of compulsory unionism was introduced in Australia in 1932, when a Labour Government amended the Queensland Industrial Arbitration and Conciliation Act to grant preference in employment to unionists over non-unionists. This virtually compelled all employees working under Queensland State awards to join a trade union or face dismissal. Since Commonwealth law took precedence over State law the principle of preference could not be extended to employees working under Federal awards. This also applied to professional people and executives and also female domestics bound solely by contracts with individual employers and not subject to the awards of the State industrial authority.

Figures taken out in October, 1947, broadly summarise the incidence of compulsory unionism in Queensland as follows:—

	Males	Females	Total
1. Bound by State awards granting preference to unionists .....	194,000	57,000	251,000
2. Under Commonwealth awards .....	55,000	15,000	70,000
3. No award .....	16,000	17,000	33,000
4. Total .....	<u>265,000</u>	<u>89,000</u>	<u>354,000</u>
5. Trade Union Membership, Dec., '47	173,000	45,000	218,000
6. % Wage and Salary Earners at Work .....	68	51	63

Source: 1-4 Queensland Year Book; 5-6 Labour Report.

Thus, even in Queensland, complete unionisation of all employees has not been achieved. New Zealand introduced compulsory unionism in 1936 and since then the proportion of wage and salary earners in trade unions has risen from 16% to just under 50%.

In New South Wales, the State Industrial Commissioner has the power, seldom exercised, to award preference to unionists. Conscientious objectors can be exempted from joining a union provided the equivalent of the union fee is paid into Consolidated Revenue through the Court. In Western Australia, the Court of Arbitration is also empowered to grant preference to unionists. The Commonwealth has "preference to unionists" clauses in awards relating to its own employees. However, the High Court has held that preference to unionists cannot be used to provide a union monopoly or to exclude non-unionists when unionists are not available and willing to undertake employment offering. Victoria, South Australia and Tasmania have no legislation enabling any authority to provide for preference to union members.

### POSSIBLE SCOPE OF COMPULSORY UNIONISM

The highest proportion of wage and salary earners coming under State awards, and therefore subject to the consequences of legally enforced unionism in any State, is in Queensland. In this State, where legislation to provide preference to unionists has operated for some years, the number of union members comprise today just over 70% of all employees.\* It would seem reasonable therefore to assume that if compulsory unionism were introduced by all State Governments it would, at the most, only increase the percentage of unionists from 60% to something less than 70% of all wage and salary earners. *Possibly another 300,000 members might be added to the existing trade union membership for the whole of Australia of 1,637,000. About 100,000 employees would be affected in Victoria and between 100,000 and 150,000 in New South Wales.* It would appear that the bulk of this new membership would accrue to three large unions—the Clerks, Shop Assistants, and Australian Workers' Union (covering many rural employees). Relatively unorganised

\* Labour Report estimate. Increased industrialisation and other factors have apparently brought about an increase in this figure as compared with 1947.

bodies of employees such as commercial travellers, nurses, photogravure employees, actors and announcers and similar white-collar workers might also be compulsorily inducted into the respective organisations at present existing in these fields.

Apart from the three unions already quoted, the 39 great industrial unions, whose present membership constitutes 74% of all unionists, would not greatly benefit from compulsory unionism. They are either already highly organised or bound largely by Federal awards. Recalcitrant and unfinancial members under State awards could of course be more easily brought to heel and from that point of view compulsory unionism would be a help to all established unions.

### COMPULSORY UNIONISM STRIKES AT THE ROOTS OF DEMOCRACY

The main objection to compulsory unionism is not to be found in the realm of industrial policy at all. The element of compulsion strikes at the heart of traditional democratic rights guaranteeing freedom of thought and action to the individual. The allied war aims, as enunciated in the Atlantic Charter, were founded on this principle. That great champion of the underdog in the U.S.A., the late Franklin Roosevelt, resolutely refused to have anything to do with the "nation-wide closed shop" when American trade unions raised the issue early in the war. Australia, along with other democratic nations, is a party to the Declaration of Human Rights signed at Paris in December, 1948. This document states that everybody shall have the right to freedom of peaceable assembly and that no one may be compelled to join an organisation. Compulsory unionism would, therefore, amount to a repudiation of our word pledged in this document by a Labour Government.

The International Labour Office, with which Australia is affiliated, while endorsing in a resolution freedom to form an association also was most careful to affirm that the individual must remain free to join or not to join.

These matters are worth pondering by the Governments of Victoria and New South Wales before precipitate action is taken to introduce compulsory unionism. The unions themselves, who claim to have been in the vanguard in the

advance toward a fuller democracy, should be the last to talk of compulsion. *Union officials, assured of their membership and finances, are likely to become increasingly indifferent to the needs and wishes of the rank-and-file by whose contributions they are supported. At present any member dissatisfied with the policy or the service provided by his union may resign. He could not do so under compulsory unionism. The interests of ordinary trade unionists would certainly be harmed.*

Union officials also appear to have overlooked that compulsory unionism could be used to their own serious personal disadvantage should their union be deregistered. Under compulsory unionism members of a deregistered union would cease to be legally eligible for employment and would therefore be obliged to join an alternative body before they could return to work. Ironically enough, compulsory unionism which was introduced by a New Zealand Labour Government in the interests of trade union strength and solidarity was eventually used in the great water-front dispute of 1951 as a weapon against the striking unions.\*

The claim that non-contributors participate in the gains secured by union activity overlooks the fact that the attraction of all voluntary associations, friendly societies and the like, lies in their benefits to members. That is why people join. The whole community benefits from the endeavours of Progress Associations, but no one for a moment has ever suggested that citizens should therefore be made to join such associations.

In the political field, compulsory unionism would have wide repercussions. Individual freedom and independence would be swallowed up in a system of mass direction. *Through his new coercive powers the trade union leader will be in a position to speak on behalf of many individuals who may be luke-warm, if not openly hostile, to his brand of politics. Portion of their subscriptions would go to finance the Labor Party when in all probability large numbers of them vote for other parties.*

\* After the deregistration of the Waterside Workers' Union in February, 1951, new unions, at first with minimum memberships of 15 in each port were registered by the Minister of Labour. Watersiders on the rolls of the old union (its books being in the possession of receivers) were circularised that they were debarred from waterfront employment unless they joined the new unions. Relevant forms of application for membership were enclosed.

The well-established and recognised authority of the trade unions in industrial matters does not need the protection of compulsory unionism. The powerful unions will derive little direct benefit from it. The interests of union members themselves will not be served. Many Australians will be coerced into providing financial support for a political organization with whose policies and programmes they may not agree. Compulsory unionism amounts, in effect, to an assault on the freedom of the individual to make his own choices. It is contrary to well-established democratic principle and has no place in a true democracy.

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TABLE I.  
UNIONISTS AND NON-UNIONISTS BY STATES.

	Unionists (Thousands)			Non-Unionists (Thousands)			% Unionised		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
N.S.W.* . . . .	548	106	654	246	173	419	69	38	61
Vic. . . . .	338	78	416	207	138	345	62	36	55
Q'land . . . .	220	55	275	70	37	107	76	60	72
S.A. . . . .	118	20	138	64	39	103	65	34	57
W.A. . . . .	89	16	105	50	25	75	64	39	58
Tas. . . . .	40	7	47	27	15	42	60	31	53
All Aust. (incl. N.T.) .	1,355	282	1,637	667	427	1,094	67	40	60

\* Includes A.C.T.

Source: Commonwealth Statistician.

