

ASLEF and the Locomotive Engine Drivers', Firemen's And Cleaners' Union of Western Australia – Some Comparisons And Contrasts In Their Early Development

Bobbie Oliver

Curtin University, Perth, Western Australia

Many Australian 'craft', or skilled trades unions shared characteristics with their counterparts in Britain; at least two unions – the Amalgamated Society of Engineers and the Amalgamated Society of Carpenters and Joiners – originated as an Australian branch of a British union.¹ The locomotive engine drivers' unions may be counted as skilled, for, although locomen did not undergo the normal five-year apprenticeship leading to a skilled trade, they could not become drivers without first working as engine cleaners and then progressing to firemen before being promoted to driver. An enginemen's sectional union, the Associated Society of Locomotive Engineers and Firemen [ASLEF] formed in Sheffield, England, in 1880, after an unsuccessful earlier attempt. Similar sectional unions were formed in all of the Australian colonies from the 1860s to the 1890s. Were the Australian enginemen's unions derived from, or did they share common characteristics with, the British union?

Using material from British and Australian archives, this paper discusses some similarities and contrasts between the Australian footplate unions (and especially the Locomotive Engine Drivers', Firemen's And Cleaners' Union of Western Australia [WALEDF&CU] and ASLEF. All were footplate unions that maintained an individual existence despite attempts to amalgamate them with larger, all grades railway workers' unions. The paper discusses the unions in the first few decades of their existence, from the 1880s until the 1920s.

In two particulars the unions were much alike: they were founded in adversity and struggled for some years to achieve recognition from employers and governments, and they had very similar career structures. By 1913, however, there were considerable differences in the status of ASLEF and WALEDF&CU as recognised negotiators for their members, and in the pay and working conditions of footplate men in Britain and Western Australia, respectively.

Foundation and Early Years

At the time of their foundation, both ASLEF and the locomotive engine drivers' unions in Australia had to contend with the reality that unions or workingmen's associations were illegal organisations, or even when tolerated, their members were constantly under the threat of being sacked by employers hostile to unions. In Britain, Gladstone's *Trade Union Act, 1871* clarified the legal status of trade unions and provided for their funds to be protected under the *Friendly Societies Act* of 1855. Acts legalizing trade unions were passed in all of the Australian mainland colonies by 1886, except in Western Australia, where the *Trades Union Regulation Act* was not passed until 1902.²

The first British and Australian footplate unions were founded within a few years of each other, with the Locomotive Engine drivers and Firemen's Association [LE&FA), being formed in the Australian colony of Victoria in 1861, and the Engine Drivers' and Firemen's United Society, in London in 1865. While the LE&FA – albeit with several

changes of name, and now a branch of the Australian Federated Union of Locomotive Enginemmen – claims to be ‘the oldest continuing railway union in the world’,³ the British union lasted only two years before it was crushed by the North Eastern Railway Company in mid 1867, after a bitter strike to obtain a 10-hour day.⁴ The all grades union, the Amalgamated Society of Railway Servants [ASRS] was then founded in 1872.⁵ A report published by this Society in 1876, mentioned the ‘malpractice’ of railway companies, yet stoutly claimed that:

Our policy of avoiding all conflicts, except such as are decided by reason and the force of public opinion, has yet enabled us to hold our own, and to maintain under threatening circumstances the advantages secured to railwaymen by our Union in former times.⁶

While the Railway Servants fairly quickly gained a membership of over 13,000, they admitted that there were: ‘40,000 railwaymen of the same classes as those in [our] ranks who are either indifferent to their own true interests or, from selfish motives, allow 13,440 of their fellows to bear all the burden and all the toil of battling for common rights’. Given the risks of possible persecution, perhaps many railwaymen could simply not see the advantage of joining a society whose statement of beliefs, or *Catechism*, as it was called, included the following questions and answers:

Does the Society encourage strikes? No it avoids them as an evil to masters and men. But it courts favour from the public and the Press by acting with moderation, and its members with self-respect...
How does the Society respect the Companies? By respecting discipline and the just claims they may make on our labour and by refusing to lend its aid to those members who wilfully refuse or neglect their duty to their employers...⁷

Whatever the ‘just claims’ of the companies, their workers had much cause for complaint. Railway work in the 1870s was an extremely dangerous occupation. Despite faulty equipment, companies were never charged with neglect over an accident; it was always regarded as being the fault of the driver. In 1874, the General Manager of the Great Western Railway [GWR], Mr. Findlay, had threatened that ‘any alteration in the law would make it ... no longer in the interest of the Company to assist in carrying on societies for times of sickness, accident or death’. GWR employed 1,650 drivers and firemen; each driver contributed £3.18s per annum and each fireman £2.12s. per annum to an insurance society, while the company contributed 1/13th of these amounts, and for two years prior to Findlay’s threat had contributed nothing at all, forcing the ASRS committee to give notice of reduced benefits and the end of payments to widows and orphans.⁸

Evidence collected by the 1877 *Royal Commission into the Railways* showed that in the years 1874-6, 3,982 people were killed and 16,762 injured on British railways, and of these 2,249 killed and 10,305 injured were railway servants. Of these latter, according to the Board of Trade, most accidents and deaths were caused by employees’ ‘own misconduct or want of caution’,⁹ whereas, as we shall see shortly, the union argued that many accidents were caused by either faulty equipment or appalling working conditions, or a combination of these. More importantly for proving employer negligence, the findings of the 1877 *Royal Commission into Railway Accidents* revealed the appalling conditions that many drivers and firemen were forced to work under. Men often worked 35 hours at a stretch, snatching a few hours sleep in the tender. One witness testified that he worked ‘30

to 40 hours without getting off his feet ... I am sure I fell off the box, where I stand, asleep. I could not see the signals'. When he reported his condition to the Superintendent he was asked to retract his words or face being dismissed. He refused to and was dismissed.¹⁰ Some drivers had six hours sleep in a week. Yet, the Royal Commissioners displayed a peculiar reluctance for 'any legislative interference, prescribing any particular hours for railway working'. Instead, they thought that 'it must be left to the companies to work the men as they find it best and most convenient'.¹¹ The Royal Commission's Report avoided laying blame on railway companies, although it did recommend methods for greater safety such as 'continuous brakes, interlocking points and signals, continuous footboards, restriction of speed on unsafe roads, conveniences for crossing lines at stations, and extension of Companies' liabilities for injuries to their servants'.¹²

In the face of continued failure by the ASRS to achieve any improvements in working conditions, some sections of the footplate grades lost confidence in the general railway workers' union, believing that it would never address their grievances. In October 1879, the Great Western Railway brought in a classification by which men would get a pay rise only if they performed particular types of work, on top of the normal 12-hour day. So some GWR employees, including one Charles Perry, realising they would get no protection against this type of exploitation from the Railway Servants' Association, took the initiative and formed a deputation to see GWR's Chairman, Sir Daniel Gooch. He looked at the petition and exclaimed, 'Damn the signatures! Have you got the men to back them up?'¹³ Gooch laid down a challenge and Perry took it up; he went away to organise.

The first branch of the Associated Society of Locomotive Enginemen, Firemen and Cleaners [ASLEF] formed at Sheffield on 7 February 1880.¹⁴ By 1882, the Union had established its headquarters in Leeds, and employed a General Secretary, at £2 per week with an assistant paid 30 shillings. By the end of 1890, the union reported a membership of 3,600, and the following year, a total of 84 branches, and an increase of 1,161 members, 874 joining on full benefits. According the 1891 *Annual Report*, the considerable increase in sick pay outs was blamed on an influenza epidemic, and the increase of fines and suspensions paid [£220.3.9 compared with £137.2.0d in the previous year] on the 'cruel injustice' of the system. Men could be fined or suspended – sometimes for several days or even weeks – for misdemeanours as minor as arriving less than five minutes late at their destination. If a life was lost in an accident, the driver faced the possibility of manslaughter charges, resulting in several years in prison if found guilty – which they almost inevitably were.

According to the ASLEF General Secretary, Thomas Sunter:

... if men are to be fined, we think it should only be done after a thorough investigation, by representatives of the companies and the men. It is a very serious matter for a man to be fined for a most frivolous matter to the amount of a day's wages, or, in some instances, to the extent of £5.¹⁵

In order to alleviate the financial distress that such punishments caused to staff and their families, the union from its inception reimbursed fines and paid lost wages out of its Protection Fund, as well as legal defence.

ASLEF historian Norman McKillop showed that 1887 was a very significant year for the new union. A strike by staff of the Midland Railway Company occurred as a result of the company imposing penalties for small offences.¹⁶ A driver was suspended for 12 days for delaying the train three minutes at Trent; fines were imposed for coal falling off the tender, and for a driver refusing to pass a signal at danger; but the spark was the abolition of the guaranteed week, which had been in operation for some time. The Midland

men came out on strike. Their action was not sanctioned by ASLEF; however, after three days the union instructed those members who had waited for official word to 'cease work'. 'Blacklegging' was never an option with ASLEF, according to McKillop. The company won using unorganised, imported labour. The aftermath of dismissals included two of the executive, Tom Ball and Henry Shuttleworth. The strike cost ASLEF £3,000.¹⁷

Soon afterwards, the union employed lawyers to fight its first major legal case on behalf of Driver Taylor and Fireman Davies, who were charged with manslaughter after a crash at Hexthorpe in South Yorkshire.¹⁸ In evidence before the court witnesses admitted that Taylor's train had a clear road, that the appropriate signals were 'off', and that the block system of signalling had been temporarily suspended owing to congestion; yet, in spite of these mitigating factors, the driver and fireman were placed in the dock, rather than the railway management who had made the decisions. ASLEF's lawyers won the case, assisted by the technical knowhow supplied by the union. It was a significant victory. The membership of the society rose to 2,067, as the case caused a sensation around Britain.¹⁹ It was arguably the first step in the long road to railway unions gaining recognition in the eyes of the employers.

During the next decade or so, the union increased its membership by a number of methods including recruiting non-unionised men, attracting members from the Railway Servants and amalgamating with other societies, such as York and Leeds Societies of Locomotive Engineers and Firemen. The 1899 Report, however, admitted that:

Pressure from various railway companies has contributed to a number of men leaving the service, rather than submit to the 'many injustices imposed on them'. There is a lack of opportunities for young men to attain position of driver, and even when they do they do not have necessarily have any permanency of their position. Enginemen are compelled to take out defective engines at the risk of their own and other people's lives. Great mental and physical strain imposed on men causes breakdown of health, especially of express train drivers. Until drivers are allowed more discretionary powers in working their trains, without any interference from inspectors or officials, who have no practical knowledge of a driver's duties, we are afraid there will continue to be accidents of a serious nature; these could to some extent be averted, if drivers were not interfered with or coerced.²⁰

Even the establishment of a Conciliation Board – a reluctant concession by employers in 1907 – did little to alleviate these grievances. The initial scheme was so unsuccessful from a union point of view that ASLEF Secretary Albert Fox sarcastically referred to it as: 'the Confiscation Board'.²¹ When he appeared before the *1911 Royal Commission into the Working of the Railway Conciliation and Arbitration Scheme*, Fox elaborated on what he saw as the Scheme's failings. It did not recognize trade union officials, and many matters were outside its authority (for example, trip rates, disciplinary issues, punishments).²² Furthermore, employers could and did vary an award handed down by the arbiter by as much as 1/6 per day. The Scheme made no provision for representation in accordance with the wishes of the men, nor, as Fox stated:

... dealing with the various grievances, such as punishments, inflicted upon the men for slight mistakes in some instances, in other cases where they are punished and clearly in our opinion for something over which they have no control whatsoever – cases where a man is punished without an enquiry, the general method adopted by the railway companies being to punish first and hold the inquiry afterwards. ... We can give you scores of cases where men have suffered

deductions of as much as 1s. 6d per day for having lost five minutes with an express. We are confident that we could prove, even to the railway company, that the men are not to blame, but [we are] never given the opportunity.

It was not until the 1920s that ASLEF and other railway unions were recognised as partners in the process of Conciliation and Arbitration.

The Locomotive Engine drivers and Firemen's Association [LE&FA), formed in the Australian colony of Victoria in 1861, in similarly adverse conditions. Originally established under the *Victorian Railways Department Act 160 of 1862*, the railways in Victoria were deemed temporary and therefore not established under the same laws as the rest of the Public Service. This was remedied by the *Victorian Railways Act of 1883* (No. 767), which placed railways under the control and administration of Commissioners and gave them 'absolute discretion in employing, retaining, dealing with, classifying, or getting rid of all railway employees'. According to a legal opinion given to the Victorian Locomotive Engine Drivers' Union in 1907, 'In effect, the Commissioners were given mastery of all employees so that they could remove any of them at will ... and appoint others in their stead'.²³ The Commissioners could place employees in such ranks and positions as they thought fit; employees were compelled to obey and if they refused they could be dismissed. Thus, government railway workers were virtually in same position as employees of a private individual. But the *method* of appointment was regulated by the *1883 Act*.

There was little benefit for Victorian railway men until the *Railways Act of 1890* granted compensation rights and other privileges and immunities to workers who had been employed since 1883, which had accrued by practice in the Department prior to that year. In particular, the Act applied to employees dismissed for any reason other than misconduct. Section 92 of the 1890 Act enabled Commissioners to make, alter and repeal regulations relating to relative rank, position or grade in duties and conduct of the employees in each of the various branches of the Railway Service.

In May 1903, the union went on strike. The Victorian Parliament passed the *Railway Employees Strike Act* to enable the Commissioners to appoint new engine drivers and firemen and to reinstate those who had lost positions by going out on strike. The Commissioners passed Regulations dealing with classification of drivers and firemen who were either 'loyalists' – men who did not go on strike – or strikers who had been taken back into the railway service, or new employees. By 1905, all previous regulations had been superseded by one new Regulation (No. 46), setting out the method of classifying the relative rank, position or grade of engine drivers, firemen and cleaners. It set out six classes of engine drivers and firemen and their rates of pay, and gave the Chief Mechanical Engineer [hereafter CME] the power to determine how many men should be in each class. Allotment, promotion and reduction were determined by relative merit, ability, suitability and past record, of which the CME was the sole judge. All of these facts being equal, promotion would be decided by seniority. According to the union's barristers, 'The seniority of all engine drivers and firemen whether strikers or loyalists was absolutely fixed by a classification list that CME issued on 15 December 1905'.²⁴

In January 1907, the CME issued a fresh list, which reduced many men from one class to another, particularly the 1903 strikers, and also altered the seniority of many others. The CME appeared to be influenced by instructions from the Victorian Cabinet regarding the re-employment of members of the dismissed union executive. Such instructions were to the effect that in classifying the returned executive, the position of loyalists should not be altered in any way. Legal opinion sought by the union stated that the CME had no right to take notice of such instructions as 'he was bound by terms of

Regulation 46 and could not reduce any man in either seniority or class unless he took into consideration merely relative merit, ability, suitability and past record of each man'; therefore, 'very many men have been improperly reduced in class and seniority'.²⁵ The lawyers also were of the opinion that the CME had now no right to consider whether men were strikers or 'loyalists', and that the earlier Regulation 42, giving loyalists preference, should not be considered.

The Railway Commissioners, however, did have the power to alter and repeal regulations, so if present classification were attacked, they could easily repeal Regulation 46 and set out new conditions. The lawyers stated:

They have the power to do this and the men who have been wrongly classified would be in just as bad a position as ever so that the victory would be a barren one'; ... [however,] it would be possible for those who have been wrongly reduced to claim their positions and their rate of pay according to their former position until the Commissioners set things right'.

Consequently, by 1907, neither ASLEF nor the LE&FA had made many gains in terms of improving working conditions and wages.

In Western Australia, however, the situation was initially worse but rapidly improved after the union formed. The Locomotive Engine Drivers', Firemen's and Cleaners' Union of Western Australia [WALEDF&CU], which dated its formation from 1898, commenced in very difficult circumstances. Although a small group of craft associations, for example, the Amalgamated Carpenters and Joiners Society, and some 'unskilled' unions such as the waterside workers', had formed by the 1890s, trade unions were illegal in Western Australia until the Arbitration Act was passed in parliament in 1902. It was also not until after the turn of the century that the *Master and Servant Act of 1842* was abolished. As in England, the railwaymen appear to have attempted to form an early union, in 1885 or 1886, which soon disappeared, despite some early success in having their grievances met.²⁶

Prior to the WALEDF&CU forming in 1898, according to William Somerville, author of the first history of the labour movement in Western Australia:

...there was no union to stand up for the rights of the worker and no Labour party to appeal to. These conditions started small group meetings in 1897 at Fremantle, Perth, Northam, Southern Cross and Kalgoorlie. The groundwork of the union was done at those groups meetings. It was no easy task and by no means popular to talk unionism in those days. An atmosphere of military rule overhung workers under the Crown. Any person suspected of ambition towards establishing a Union was called an agitator – an enemy to progress and to his country. Workers could be dismissed without a reason being given; the foreman's word was law.²⁷

Unlike ASLEF, the WALEDF&CU no longer exists. It remained an independent craft union for footplate men until 1999, when it amalgamated with other unions to form the Rail, Tram and Bus Union.

In the other Australian colonies, by 1891, representatives of enginemen's associations in NSW, South Australia, Queensland and Victoria met in Melbourne and decided to conduct a ballot of their members with a view to forming the Federated Railway Locomotive Enginemen's Association of Australasia, which became a reality in 1901. This federation does not appear to have included the Western Australian or Tasmanian footplate unions; however, the former did affiliate with other locomen's unions under a

new banner of the Australian Federated Union of Locomotive Enginemen [AFULE] in 1921. Throughout the 20th century these unions resisted attempts to amalgamate with the other railway workers' unions. In Western Australia, a non-footplate railway workers' union, the WAGR Association, formed in 1899.²⁸ This later became the WA Amalgamated Society of Railway Employees [WAASRE], a numerically strong union, tending to conservatism, like its British counterpart, the ASRS – subsequently the National Union of Railwaymen [NUR].

The WALEDF&CU was registered as a union in the WA Arbitration Court on 21 February 1902, and the first agreement between the Union and the Commissioner of Railways for Western Australia was drawn up the following July. The *1902 Agreement* was initially for a year but it remained substantially unchanged until 1913. It contained 32 clauses, covering the necessary qualification for drivers, firemen and cleaners, wage rates, working conditions and methods of promotion.²⁹ A comparison of the Clauses of the *1902 Agreement* with ASLEF's National Program, which was not gained until 1919, and with the Victorian situation after the 1903 strike (discussed above), show that, arguably, WA railwaymen in the first decade of the 20th century had conditions superior to their counterparts in Britain or Victoria. Later, in 1917, when the Eastern States' railwaymen's unions became involved in the General Strike with disastrous consequences similar to those experienced in Victoria in 1903,³⁰ Western Australia was not involved.

Career Structure

A second similarity between British and Australian footplatemen's unions was career structure. The Australian and British unions had virtually identical career structures. Instead of training as an apprentice, would-be engine drivers began as an engine cleaner or call boy, progressing at age 18 to 21 to fireman, after a period of years as fireman passing as a driver of shunting engines, and then gradually climbing the ranks to being 'top ranked' or 'first class' driver of passenger express trains.

In Western Australia, locomotive engine drivers had to pass an examination and hold a certificate issued by the Chief Locomotive Officer – subsequently the Chief Mechanical Engineer [CME]. Prior to sitting the examination, they had to serve as fireman on the Western Australian Government Railways [WAGR] or as a Driver or Acting Driver on other railways inside or outside the state. Preference was given to WAGR employees. After reaching the rank of Driver fifth class, a man achieved promotion by his amount of service. After a year as Driver fifth class, he could be promoted to fourth class; a further eighteen months' service enabled promotion to third class; with second class being achieved after another two years' experience, but then it was a wait of four and half years before any further promotion. A man would reach the status of Driver first class only after a minimum of nine years service as a driver in the WAGR. Apart from the status, there was of course financial benefit in promotion. By 1913, a first-class Locomotive Driver received a daily wage of fifteen shillings, compared with eleven shillings earned by a Driver fifth class.³¹

Firemen were also employed only with the Chief Locomotive Officer's approval, and had to pass an examination and hold a certificate of competency. As with drivers, preference was given to WAGR Cleaners when it came to seeking promotion to fireman; other applicants had to have firing experience as well. The agreement stated that non-WAGR staff would be appointed, 'always provided that no fireman be engaged outside the service of the WAGR, unless in the Chief Locomotive Officer's opinion there is no one qualified in the WAGR employ'.³²

Although Cleaners were not required to undergo theory examinations, they had to pass a medical examination to ensure that they were physically fit, and they also underwent tests by the Medical Officer of the Railways Department for vision, hearing and colour blindness. They also had to supply three testimonials of character from people regarded as being ‘of good repute’.³³ By 1914 there was also an accepted line of promotion from call boy [or ‘caller up’, as they were sometimes called in Britain] to cleaner. There were height requirements for railway work and in one case a boy who applied to promotion as cleaner was rejected because he was ‘not yet 5 foot 6 inches without boots’.³⁴ In comparison a British cleaner had to be 5 foot 2 inches in height at age 14, and 5 foot 4 inches at age 16.³⁵

The following table also shows that the structure within each of the grades was also very similar as was the amount of time required for a driver to gain the necessary skills at each level. The differences were that in WA there were five classes of drivers, rather than the four in the British system and, while it is a futile exercise to compare rates of pay without comparing the relevant cost of living, it would appear that WA drivers were probably better paid.

Table 1: Comparison of years of service and rates of pay for British and Western Australian locomotive drivers, in 1919 and 1913, respectively.

Position	No of Yrs Service	New Rate per day 1919 (£.s.d. Stg)	W. Aust grade	WA rate of pay 1913 (Aust. £.s.d.)
Drivers & Motormen	1 st and 2 nd years	12/0	Driver 5 th class	11/0 per day
	3 rd and 4 th years	13/0	4 th class (1 yr service)	12/0 per day
	5 th , 6 th , 7 th years	14/0	3 RD class (2 ½ yrs service)	13/0 per day
	8 th year onwards	15/0	2 nd class (4 ½ yrs service)	14/0 per day
			1 st class (after 9 yrs service)	15/0 per day

By 1919, in Britain career paths for footplate men were much clearer than they had been earlier, following an agreement between employers and employees that promotion from engine cleaner to fireman, and from fireman to driver, was by qualification and seniority, when a vacancy arose. When a cleaner had completed 313 turns, or shifts, as a fireman, he qualified to be paid as a second year fireman when firing, and each 313 subsequent turns or shifts of firing duty equaled one year’s service as a fireman, paid accordingly. No cleaner under age 18 was allowed to act as fireman on the main line; youths below 18 were permitted to act as firemen on shunting engines.

A fireman qualified as a second year driver after 313 turns as driver, and each 313 turns of driving were equivalent to one year’s service as a Driver; paid accordingly. A fireman who had worked 313 turns as driver without being permanently appointed would be paid the maximum fireman’s rate when firing. A fireman who had 10 years service as a fireman, including the first 313 turns of driving, would be paid the minimum driver’s rate. If a permanently appointed Driver had to be put back to firing, he would be paid the first year’s Driver’s rate whilst so acting.³⁶

In comparison, the *1913 Agreement* in Western Australia established that a cleaner could not act as fireman until he was 21 years of age and had at least two years service as a cleaner on the WAGR engines – although this might be reduced to one year if there were

insufficiently skilled men to fill the number of positions available – promotion, of course, still being subject to the passing of the Firemen’s examination and to possessing a satisfactory conduct record. First class Firemen were permitted to act as Drivers provided they had passed the necessary examination. When a driving vacancy occurred, the Fireman who possessed the longest service promoted if he had passed the examination, and his conduct was satisfactory. Second grade firemen were permitted to act as drivers, only if all first grade firemen are already employed as Acting Drivers. Employees received 14 days notice of examinations; they were permitted three attempts at each examination, at intervals not exceeding three months. If a candidate failed, he was given copy of the questions he failed, to assist him in revision. From 1913, the Chief Mechanical Engineer appointed the examiner.

Contrasting characteristics

While the career structure may have been the same in Australia and England, there were marked differences in working conditions. For ease of comprehension, I have compared the conditions set out in the *1913 Agreement* for Western Australian railway staff with the conditions finally won by British locomen after the First World War and after they had threatened a general strike.

Table 2: Comparison of overtime, holidays, breaks and engine preparation time for British and Western Australian footplate staff, in 1919 and 1913, respectively.

Britain 1919	Western Australia 1913
<p>Overtime. All weekday work in excess of 48 hours to be paid overtime rate. All time worked on week-days in excess of the standard hours paid at time and a quartr, or, between hours of 10pm and 4am at time and a half. Night duty. Sunday midnight – 4am Mon; 10pm – 4am Monday–Saturday; 10-12pm Saturday to be paid at rate of time and a quarter. All overtime worked between these hours will be paid at time and a half. Sunday duty: Rate time and a half. Same rate applied to Good Friday, Christmas Day.</p>	<p>From 1902, overtime constituted hours worked in excess of a 48-hour week. If a driver was booked on duty, and came on shift but was then informed, prior to taking his engine out, that he was not required, he was to be paid half a day’s pay. If the driver had already left with his engine and had to be recalled, he was to be paid half a day’s pay. A driver or fireman, who was booked on duty but who was informed two or more hours prior to the commencement of his shift that he was not required, would not receive any pay for that day.</p>
<p>Breaks: Meal times. Locomen: Continuous duty, meals to be taken as opportunities arise; shunters may have a 20 minute interval between 3rd and 5th hours of duty. Motormen: continuous duty, but where work in incessant, to have breaks of 30 mins of which one must be at least 20 mins, between 3rd & 5th hours.</p>	<p>None Stipulated in the Agreement</p>
<p>Holiday Pay – 6 days paid leave after 12 months service + Christmas and Good Friday (or 1 & 2 Jan in Scotland).</p>	<p>12 days annual leave per year, which they could accumulate for two years. In addition, Christmas Day and Good Friday were paid holidays.</p>
<p>Engine Preparation Time Stipulations about engines being prepared and disposed of by shed staff, rather than the drivers, and that of these staff, at least one must be a passed driver. Also sets out times for engine preparation and disposal.</p>	<p>75 minutes preparation time and 45 minutes stabling time for Garratt Engines,³⁷ and 45 minutes preparation and 30 minutes stabling time for other types of locomotive. There was also a shunting time of 30 minutes added for all engines.</p>

What brought about some of these differences to working conditions? Firstly, from colonial times, the vast majority of the Australian rail network was government owned and

run, whereas, prior to World War I, the British system was owned by over 50 private companies.³⁸ In Western Australia, in two decades from 1885 to 1905, the length of government owned and operated railway lines increased from 203 to 2,583 kilometres, and locomotives and rolling stock similarly increased as shown in the table on the slide.³⁹ Consequently, in WA and in each other Australian colony/state, there was one major employer of railway staff – the government – rather than a host of private railway companies, each with its own rules, wages structure and set of working conditions. The rapid expansion also meant that qualified staff was in high demand.

A second major difference was the establishment in Australia of state and federal courts of conciliation and arbitration. The State Arbitration Courts were established first, with Western Australia's Court commencing in 1900.⁴⁰ This was the major impetus for legalising trade unions, which was achieved through the passage of the *Trades Union Regulation Act* in February 1902. Both the State Courts and the Commonwealth Court of Conciliation and Arbitration, established under the Federal *Conciliation and Arbitration Act 1904*, had arbitral and judicial powers. They could make an award specifying wages and conditions of employment in settlement of an interstate dispute and interpret and enforce the award, if necessary imposing penalties on any party to the award who did not comply with its provisions. The Act also provided for the registration of organisations of employers and employees.⁴¹ In every state, these regulatory laws meant that unions were the recognised representatives of working people. Arbitration was compulsory, and union officials who bucked the system and encouraged their members to strike could find themselves serving a prison term of six months, but employers equally had to abide by the law.⁴² Dissent unions could be de-registered, and this happened to the WALEDF&CU in 1947, but this event is outside the scope of the present paper.

Two early awards are particularly significant: the Harvester Judgment of 1907, delivered by Arbitration Court President, H.B. Higgins, which introduced the concept of the living wage (also known as a basic wage), and an earlier judgement, setting the standard working week at 48 hours. The arbitration system was the backbone of Australian industrial relations throughout the 20th century.

The union's first letter book, covering the years 1898 to 1903, provides insight into the WALEDF&CU's day-to-day concerns during the time that the arbitration system was being established. A survey of 202 letters written by the Union Secretary between April 1898 and January 1903⁴³ reveals that, while many (39) concerned either union business, including recognition of the Association, and the appointment and resignation of office bearers, over one-quarter (55) interceded on behalf of members who claimed to have experienced injustice at the hands of the Railways Department. These letters comprised matters of appeal (including the setting up of an Appeals Board), demotion, dismissal, censure, suspension and other forms of punishment. Eighteen letters discussed strikes, and a further twelve dealt with accidents (including fatalities) and injuries. Other matters that featured in the correspondence to a lesser extent concerned arbitration (including the establishment of the Arbitration and Conciliation Court in Western Australia in 1902), the classification of duties, rates of pay, examinations, promotions, and instances where a case was being made for hours worked in excess of the normal. Thus it can be seen that government could be an unjust and punitive employer, not dissimilar to the private companies.

The *Conciliation and Arbitration Act* and the system that it established has generated much controversy. Although today it lacks its former power, the two most ferocious attacks by non-Labor governments on the arbitration system – by Stanley Melbourne Bruce in the 1920s and John Winston Howard in the first decade of the 21st

century – have resulted in crushing defeats for the government of the day; in both cases the Prime Minister lost his own seat, this having never occurred at any other election.⁴⁴

Conclusion

Although the British and Australian sectional locomotive engine drivers' unions had similar beginnings and structures, the differing circumstances in each country meant that their development after 1900 was quite independent from each other. The similarities were partly because the unions formed around the same period, and the majority of members, were either British or of British descent, some having travelled around the Empire before settling in Australia.

Two factors discussed in this paper regarding differing circumstances were: the development of the arbitration court system in twentieth century Australia and the fact that throughout the period discussed most railways were government-owned, whereas in Britain they were privately owned by a large number of companies. From their establishment, the Australian arbitration courts recognised and welcomed the union as a negotiator for the worker, whereas in Britain the railway conciliation courts did not. The arbitration system in each state was standardised, assisting in the process of standardising wages and conditions across Australia, with differences largely determined by such social factors as the cost of living. While employment conditions were not identical in the Australian states, therefore, they were more similar than those pertaining to workers in over 50 different private companies in Britain before World War I.

¹ Tom Sheridan, *Mindful Militants. The Amalgamated Engineering Union in Australia, 1920–72*, Cambridge University Press, Cambridge, 1975, pp. ix, 23.

² John Butt, 'Trade Union Act, 1871' in John Cannon, ed, *The Oxford Companion to British History*, Oxford University Press, 1997, p. 929; Ian vanden Driesen, 'The Evolution of the Trade Union Movement in Western Australia' in C.T. Stannage, general editor, *A New History of Western Australia*, UWA Press, Nedlands, 1981, pp. 373-4.

³ 'AFULE Queensland website: <<http://www.afule.org.au/about.htm#hist>> accessed 16/2/09.

⁴ Robert Griffiths, *Driven by ideals. A History of ASLEF*, ASLEF, London, 2005, p. 7. Many of the union's leaders were charged with breach of contract, and many strikers were not re-appointed.

⁵ Amalgamated Society of Railway Servants Records, Modern Records Centre, University of Warwick, UK, MSS127/AS/1/1/1

⁶ MSS 127/AS/1/1/2 ASRS Proceedings & Reports 1876

⁷ *The Railwaymen's Catechism*, MSS127/AS/1/1/2.

⁸ J.R. Raynes, *Engines and Men. The History of the ASLEF*, Goodall & Suddick, Leeds, 1916, pp. 71-74.

⁹ ASRS Proceedings & Reports 1876, p. 4, MSS127/AS/1/1/2.

¹⁰ Raynes, *Engines and Men*, pp. 71ff.

¹¹ Raynes, *Engines and Men*, p. 73.

¹² ASRS Proceedings & Reports 1877 p. 5, MSS127/AS/1/1/2.

¹³ Norman McKillop, *The Lighted Flame*, ASLEF, London, 1950, p. 19ff.

¹⁴ *ASLEF 1880–1980, A hundred years of the Locoman's Trade Union* by Brian Murphy, p. 16, ASLEF Papers, Modern Records Centre, University of Warwick, MSS379, Box 25.

¹⁵ *ASLEF Annual Report, 1891*. As a comparison, in 1897, some drivers were earning little over £1 for a 60-hour week. See W.F.Warr's Timebook in ASLEF Papers, Modern Records Centre, Warwick University, MSS379/Box 1/item 8.

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- ¹⁶ McKillop, *The Lighted Flame*, p. 35.
- ¹⁷ McKillop, *The Lighted Flame*, p. 36.
- ¹⁸ McKillop, *The Lighted Flame*, p. 37.
- ¹⁹ McKillop, *The Lighted Flame*, p. 38
- ²⁰ *ASLEF Annual Report 1899*, pp. 4-5.
- ²¹ *ASLEF Annual Report 1908*, p. 5, MSS.379 Box 22 ASLEF Annual Reports Volume: 1906-1913.
- ²² *1911 Royal Commission into the Working of the Railway Conciliation and Arbitration Scheme*, pp. 19 ff
- ²³ The following paragraphs are based upon information in ‘Legal Opinion from Corr & Corr Barristers & Solicitors, 28 Sept 1907 re Classification of Engine Drivers (Ref to 1903 strike)’, pp. 1-2, Melbourne University Archives, Baillieu Library, AFULE Collection Accession No. 96/83 – Australian Federated Union of Locomotive Enginemmen, Item 8/1 Industrial Negotiation 1903–1924.
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*, p. 3.
- ²⁶ William Somerville, ‘An Economic History of Western Australia with Special Reference to Trade Unions and the Influence of the Industrial Court of Arbitration’, PRO, Perth, Accession no. 451A, vol. II, p. 315. See also D. Mossenson, ‘Gold and Politics: the Influence of the Eastern Goldfields on the Political Development of Western Australia, MA Thesis, UWA, 1952, p. 14.
- ²⁷ Somerville, ‘Economic History of WA’, pp. 346-7. For a portrait of Somerville, see: Stuart Macintyre, ‘Somerville, William (1869–1954)’, *Australian Dictionary of Biography On Line*: <http://www.adb.online.anu.edu.au/biogs/A120018b.htm>
- ²⁸ H.J. Gibbney, ‘Working Class Organisation in Western Australia, 1880 –1902, BA Honours Thesis, The University of Western Australia, 1949, p. 35.
- ²⁹ WAGR Papers, State Records Office of Western Australia [SROWA] AN195/7 Accession No. 1381, item no. 1/1902-1910 Box 1 Commissioner Railways/WALEDF&CU. 1902 Agreement [hereafter *1902 Agreement*]
- ³⁰ See, for example, Robert Bollard, ‘Radical Australia’s Hidden History: the General Strike of 1917’, *Socialist Alternative*, http://www.sa.org.au/index.php?option=com_content&task=view&id=1150&Itemid=106
- ³¹ WAGR Papers, SROWA, AN 195/3a, Accession No. 1101, File 175/1913. (henceforth *1913 Agreement*).
- ³² *1902 Agreement*, Clause 2.
- ³³ *1902 Agreement*, Clause 5.
- ³⁴ MN 2472 Acc 5256A, File 186 *Promotion of Call Boys 1915-1951* - Letter 17 Oct 1914 from Loco Foreman to Callboy Nolan, and other correspondence.
- ³⁵ ASLEF Papers Box 1, National Agreements, Circular of 29 August 1919 (No. 1937)
- ³⁶ ASLEF Papers Box 1, National Agreements, Circular of 29 August 1919 (No. 1937)
- ³⁷ In 1911 and 1912, Beyer Peacock built 13 Garratt engines for WAGR’s 3ft 6inch railway lines. These articulated engines had a 2-6-0+0-6-2 wheel arrangement. See ‘Garratt Engines produced by Beyer Peacock’, <http://users.powernet.co.uk/hamilton/bp.html>, accessed 16.04.09.
- ³⁸ Griffiths, *Driven by ideals*, p. 47.
- ³⁹ Philippa Rogers, ‘The Workshops – the heart of the railway system’ in P. Bertola and B. Oliver, eds, *The Workshops. A history of the Midland Government Railway Workshops*, UWA Press, Nedlands, 2006, p. 20.
- ⁴⁰ B.K. De Garis, ‘Self Government and the Evolution of Party Politics 1871–1911’ in C.T. Stannage, general editor, *A New History of Western Australia*, UWA Press, Nedlands, 1981, p. 346.
- ⁴¹ ‘Commonwealth Court of Conciliation & Arbitration (1904 - 1956)’ in Australian Trade Union Archives, <http://www.atua.org.au/biogs/ALE1416b.htm>, accessed 6 December 2008.
- ⁴² James Ryan, Letter to the *New York Times*, 10 December 1916.
- ⁴³ WALEDF&CU Papers, J.S. Battye Library of Western Australian History [hereafter ‘BL’] MN 2472, Accession no. 6526, item no. 141, Letter Book.

⁴⁴ I have discussed the circumstances in which Bruce lost his seat in: Bobbie Oliver, *Unity is Strength. A history of the Australian Labor Party and the Trades and Labor Council in Western Australia*, API Network, Bentley, 2003, pp. 120-124. With regard to the Coalition defeat in the 2007 election, in which the Australian Prime Minister, John Howard, also lost his own seat, the new Liberal Party leader, Brendon Nelson, admitted shortly afterwards that the Coalition ‘was damaged by its industrial relations policy’ and declared that ‘WorkChoices is dead’. See ABC News Online, ‘Nelson declares WorkChoices dead’, 19 December 2007, <http://www.abc.net.au/news/stories/2007/12/19/2123199.htm>, accessed 16.04.09.