

### WORKPLACE REGULATION AT METTERS' STOVEWORKS, 1902 TO 1922: DID ARBITRATION MAKE A DIFFERENCE?

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#### Abstract

This paper explores the impact of the NSW arbitration system on workplace industrial relations at Metters' Stoveworks in Sydney between 1902 and 1922. It is argued that far from dominating the industrial relations environment, the arbitration system had a muted impact, shaped by the interaction of workplace militancy and union and management strategies. The analysis of regulatory structures and practices at Metters suggests the relationship between arbitration and workplace industrial relations was complex and contradictory. While on the surface it appears that various arbitral awards assisted worker control, a closer examination reveals the importance of workplace militancy, often independent of the union, in achieving this control.

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## **WORKPLACE REGULATION AT METTERS' STOVEWORKS, 1902 TO 1922: DID ARBITRATION MAKE A DIFFERENCE?**

### **INTRODUCTION**

Academic interest in workplace industrial relations increased substantially during the 1980s as a result of economic and political restructuring on a global scale. In Australia, policy initiatives increasingly questioned the role of arbitration in an environment requiring a flexible and adaptable workforce. Political forces favouring the deregulation of economic affairs drove economic policy, a development that led to a direct attack on the system of arbitration. During the late 1980s and early 1990s governments, employer groups and unions all supported a move away from arbitrated awards to enterprise bargaining, albeit while advocating different levels of influence for the Australian Industrial Relations Commission. This shift in attitudes and direction proceeded on the basis of untested assumptions concerning the effect of arbitration on workplace industrial relations.

A widely accepted assumption among academics and other commentators regarding Australian industrial relations is that until recently the workplace has been relatively unimportant to the regulation of the employment relationship. To explain this situation the attention has typically focused on the presence of state compulsory arbitration and its dominant role in the Australian industrial relations system. According to this argument, arbitration has had a centralising effect on unions and employer groups and this has drawn bargaining processes away from the workplace. As Lansbury and Macdonald (1992: 9-10) note, "...the arbitration system has long been seen as resulting in relatively underdeveloped mechanisms for the conduct of workplace industrial relations because it has encouraged both management and unions to depend on the external system of arbitration to resolve disputes and set wages and conditions." This assumption has pervaded research and policy development in industrial relations yet there is little empirical evidence to either support or refute it. This paper challenges this assumption, by exploring the development of workplace industrial relations at Metters' Stoveworks in the early decades of the twentieth century.

Within the industrial relations literature an on-going debate has occurred over the advantages and disadvantages of both collective bargaining and arbitration and several prominent industrial relations scholars have published widely outlining the merits of a collective bargaining system in the absence of arbitration (Blandy and Niland, 1986; Isaacs, 1958; Laffer, 1958; Niland, 1978). Critiques of arbitration systems have referred to the excessive legalism of the system, the chilling effect arbitration had on the conciliation process and the lack of responsibility that the parties took for the end result. From the mid 1980s, the 'New Right', led by the H.R. Nicholls Society and influenced by a belief that unions had attained too much power under the arbitration system, attacked the system of industrial tribunals and advocated deregulation (Dabscheck, 1989: 113-41). At the same time, a campaign by the Business Council of Australia for more flexibility at the workplace raised the spectre of enterprise bargaining and workplace reform thus shifting the challenge to arbitration in a new direction (BCA, 1989).

Critiques of arbitration have also come from the 'left'. Some have seen arbitration as an instrument of repression against the labouring classes (Sorrell, 1972). Howard (1977) has claimed Australian unions are dependent upon the arbitration system for survival and have thus become servants of the state rather than the servants of the working class. Such views contrast with Scherer's (1987) claim that the arbitration tribunals have internalised union principles and, in effect, been captured by unions. As a mirror of Howard's dependency thesis, Plowman (1988) has argued that arbitration is largely responsible for employers having adopted a reactive approach to policy making, and consequently having played little role in structuring the industrial relations system in Australia. A related argument sees employers as passive and uninvolved in industrial relations, abrogating their responsibilities to employer associations and industrial tribunals.

While different perspectives on industrial relations inform the critiques, they have one thing in common, they make unfounded assumptions about arbitration and its effect on direct action, unions and employers. Thus, the most obvious conclusion to draw from these literatures is that arbitration has prevented the development of real unions, real employer associations and real collective bargaining.

In more recent times, more substantive research has begun to appear examining the impact of arbitration. Gahan (1996) critically evaluates, and rejects, Howard's dependency theory using extensive historical and case study research to support his argument. With respect to employer associations, Sheldon and Thornthwaite (1993) and Barry (1995) have thrown doubt on Plowman's reactivity thesis. In addition, in a study of employer policies, Wright (1995) argues that employers were far from passive bystanders in industrial relations and played an active role in structuring industrial relations and employment policies at the workplace. A significant literature has also developed that explores the effect of arbitration on labour process issues, such as the organisation of work, the construction of skill, and the nature of managerial control. (Bray and Rimmer, 1989; Frances, 1993; Kitay, 1989).

In keeping with these more recent studies, this paper argues that arbitration did not dominant workplace industrial relations, though it certainly influenced the behaviour of the key players. The Sydney workplace of Metters provides an interesting case study of the interaction between the external and internal regulation of work relations. Of note is the growing influence of Metters' workers over time as they first adapted to and gained control over workplace conditions. While on the surface it appears that the various arbitral awards assisted worker control, a closer examination reveals the importance of workplace militancy, often independent of the union, in achieving this control.

## **METTERS LIMITED**

Metters Limited was a large manufacturer of stoves and other household items, with establishments across Australia. The Sydney works, established in 1902, quickly became the largest stove works in Australia, and employed more workers than all other Sydney stove manufacturers combined. The Sydney works produced a wide range of household items though it concentrated on cheaper items, its stock in trade being mass-produced cast iron stoves. As such its main competition came from imports rather than other local firms. Fuelled by the housing boom, the industry enjoyed great prosperity during early decades of the twentieth century, with the exception of a short downturn at the beginning of World War I (*The 'Wild Cat' Monthly*, 1930: 179). Metters was the main beneficiary of this growth, with employment at the works quadrupling in the first 20 years (*NSW Statistical Register*, 1905-1918/19).

Metters success was based on the adoption of production methods and management practices similar to those employed by foreign stove manufacturers. From the outset of its Sydney operations, Metters' management established a production process that fragmented work and led to task specialisation. This gave rise to a predominantly semi-skilled workforce and a significant proportion of junior labour. Plate moulding dominated stove moulding, and from World War I onwards machine moulding became common. Mechanical aids also simplified other foundry work such as dressing and grinding. Similarly, the stove fitter worked with standardised and interchangeable parts, with very little actual 'fitting' required. These workers could not claim to be tradesmen, as indicated by their ineligibility to join the various craft societies in the metal trades. Training methods in the industry reflected this, with the improver system replacing the apprenticeship system.

Despite the nature of the work process, the labour market for the various grades of stovemakers was quite strong between 1902 and 1922. In particular, moulders occupied a strong labour market position, with a severe labour shortage from 1915 to the early 1920s. Only for a short period, at the beginning of World War I, was unemployment a problem. This had a significant effect on the nature of industrial relations at Metters, influencing not just relations between workers and management, but also the relationship between the workers and their union.

## **INSTITUTIONALISING INDUSTRIAL RELATIONS AT METTERS**

With the bulk of Metters' workforce unable to join the various craft societies, initially Metters' workers were unorganised and their working conditions set by management unilaterally. Formal structures permitting joint regulation did not arrive until 1906 when a dispute over the introduction of piecework into the works led to intervention of the NSW Arbitration Court and the formation of a union by Metters' workers (initially the

Stovemakers' and Light Iron Moulders' Union, later changing its name to the Stove and Piano Frame Moulders' and Stovemakers' Employees Union – SPFM&SEU). By the end of 1907 the industrial relations landscape at Metters had changed significantly with over half of Metters' workforce unionised and the wages and working conditions at Metters governed by an Award, one of only seven made by the Arbitration Court before it was replaced by a system of wages boards.

The SPFM&SEU organised all grades of metal workers in the NSW stove industry with the exception of skilled tradesmen, few of whom were employed by Metters. While the union expanded beyond Metters, strategically it relied heavily on controlling Metters' workforce. With Metters employing over half the NSW stove industry, organising Metters was synonymous with organising the industry. As a consequence, matters at Metters dominated union proceedings. From the beginning the SPFM&SEU developed a contradictory relationship with the Arbitration Court. Participation in the award system gave the union a status within the industry that it would have struggled to secure in the absence of arbitration. Nevertheless, while wage rates improved, arbitrated awards, as the discussion below will show, did little to stem managerial prerogative with respect to the organisation of work and piecework. Consequently, despite its reliance on arbitration the union adopted a left wing position, being one of the few to vote in favour of the One Big Union (Farrell, 1986: 83).

The first Stovemakers' Award arrived in 1907 after lengthy delays caused by the congestion of cases before the Court and the tardiness of the union to register under the NSW *Industrial Arbitration Act 1901*. The award included regulations governing piecework but allowed workers to choose between piecework or day work. Under the award pieceworkers would earn, as a minimum, twenty per cent more than the day rate. The veto power of workers inhibited but did not prevent the spread of piecework. Despite union opposition, Metters pushed ahead with the introduction of piecework using various tactics to induce workers to accept it. While a discussion of piecework at a general union meeting still revealed the majority opposed to it, some members spoke in favour. By 1910 union officials acknowledged that piecework was gradually seeping into the trade. (SPFM&SEU(a), 1908-10)

The first award of the Stovemakers' Wages Board in 1911 gave Metters' management the necessary support to spread the piecework system throughout the works. The award lifted the limitation on piecework, allowing only those employed in the industry prior to the 13<sup>th</sup> of May, 1908 to refuse piecework. In a bid to protect workers and soften their opposition section 3(b) of the award provided:

Such rates shall be fixed in each shop by mutual arrangement between the employer or his representative and a committee of two employees to be chosen by their fellow employees in each branch of the trade, in which such piecework or bonus system is sought to be worked. (*Stovemakers' Award*, 1911)

If the committee failed to agree, or one was not appointed, the employer had the right to fix rates unilaterally, although these could be appealed against to the Board. Furthermore, section 3 provided “[t]he rates fixed may be altered by mutual arrangement as above, but failing such no alteration shall be made without the permission of this Board.” (*Stovemakers' Award*, 1911)

With a more favourable award behind them, Metters' management succeeded in introducing piecework on a wide scale, but only after overcoming an unsuccessful strike in 1912. Graves, the Secretary of the SPFM&SEU, later said of the acceptance of piecework: ‘we practically got tired of striking and had to accept it - or else keep on striking.’ (Piddington Inquiry, 1913: 770) In some cases workers were happy to take on piecework as it increased earnings. This was the case with the dressers, who approached management and asked for piecework (SPFM&SEU(b), 1912: 19 February & 4 March).

The evidence suggests that after a short period of cooperation Metters ignored, or flouted, the piecework committees. During 1912 Metters' management worked within the piecework committee system to determine prices but by 1913 the SPFM&SEU was reporting cases of management unilaterally setting piece rates and refusing to meet the committee (SPFM&SEU(c), 1913: 17 March). Furthermore, when two committeemen interviewed the Works Manager in respect of prices on certain jobs, Metters docked one member's pay for the time spent away from his work, breaching an earlier agreement between the union and

Metters that committeemen would not be docked for time spent on committee work (SPFM&SEU(c), 1913: 10 June). Despite repeated requests by the SPFM&SEU for Metters to meet with the pricing committee, management refused (Transcript, 1916a: 24-5; Transcript, 1916b: 211-2). The 1914 Stovemakers' Award amended the relevant clause to include a SPFM&SEU representative on the committee. However, while this gave the SPFM&SEU an official role on the committee, it did not compel Metters to set rates through the committee. The firm continued to ignore the union's request for the piecework committee to be called together (Transcript, 1916b: 169; SPFM&SEU(d), 1915: 15 December).

These formative years of arbitral regulation in the stove industry demonstrate two things. First, awards did not necessarily discourage or prevent the development of workplace mechanisms for bargaining. Thus an assumption that arbitration removed certain issues from the workplace is incorrect. Second, any examination of award regulation needs to move beyond the making of rules to consider their implementation and enforcement. As the following sections will show, the regulation of the workplace involves an interplay between both internal and external forces, with arbitration having both direct and indirect consequences for outcomes.

## **WORKPLACE MILITANCY**

In spite of Metters' management's refusal to set piecework prices through the piecework committee the pieceworkers made good money, averaging as much per week as the more highly skilled artisans in the craft societies (Transcript, 1916a: 43). These gains came through direct negotiation at the shopfloor. Workers settled many disputes without the aid of the union, particularly those that arose in the foundry (SPFM&SEU(b), 1912: 25 August; SPFM&SEU(c), 1914: 2 March & 22 June). Although Metters would not officially meet the piecework committee, management received informal deputations from sections of workers. On some occasions the union secretary became involved, but the final decision was left to the men. In contrast to the foundry, the fitting and sheet iron sections were more inclined to deal with management through the union secretary. This practice most likely occurred because the union secretary at the time, Graves, worked in the sheet iron section at Metters. A slump in the stove industry in the early years of World War I led to setbacks for workers as management used the situation to wind-back many conditions. However, as the economy improved towards the end of the War, sectional disputes on the shopfloor, particularly among the piecework moulders, became common again.

The prevalence of piecework created an environment conducive to workplace bargaining and regulation. Numerous disputes arose over piecework prices and conditions. With the award silent on many issues, workers either relied upon custom and practice or negotiated agreements directly with management. With respect to the distribution of work to pieceworkers, customs developed concerning the allocation of 'good' and 'bad' jobs. In moulding, where heavier work did not pay as well as lighter work, it became standard practice that if a moulder received the heavier stove fronts in one row, they got lighter work in their other row (Transcript, 1918: 960; Transcript, 1919: 45-6). It was also customary for the firm to pay piecework moulders for 'wasters', though if the number of wasters turned out by a moulder rose above 10 per cent management dismissed the moulder (SPFM&SEU(c), 1913: 15 September & 2 October).

The piecework moulders were the most militant section of Metters workforce. Management complained that the moulders participated in an excessive number of stop work meetings and deputations to management, with Robert Spring, a managing partner in the firm, claiming that in January 1917 the moulders sent no less than twenty deputations to management (Transcript, 1918: 951). The moulders took full advantage of the shortage of qualified moulders and their strategic position in the production process to negotiate several new agreements with management (Transcript, 1919: 188). In addition, the Moulders' supported foundry labourers push for a wage increase, refusing to accept iron from non-union labour and interviewing management on behalf of the labourers (SPFM&SEU(d), 1917: 30 January & 5 February).

The militancy of the moulders raised problems for the SPFM&SEU as well as Metters. While in the pre-War period the union not only tolerated but supported independent action, in latter years it was less supportive. More than half of the Union's membership were employed at Metters. Were a stove moulders' strike to close the works, the majority of Union's members would be thrown out of work, placing an enormous

financial strain on a less than wealthy union. Management at Metters fuelled the tension between the moulders and the union. Management's penchant for dealing directly with its workforce encouraged the independent behaviour of the moulders. However, when the moulders did take industrial action they were quick to initiate a prosecution against the union for participating in an illegal strike. In both 1918 and 1919 the union escaped with minor fines by successfully arguing before the Arbitration Court that it had not authorised strikes by piecework moulders and had actively sought a return to work (Transcript, 1918; Transcript, 1919). On a previous occasion in 1916 it narrowly averted prosecution by convincing the men to return to work. On all three occasions the SPFM&SEU, backed by the general membership, refused to support the moulders and instructed them to return to work. However, it stopped short of expelling moulders, fearing what little control it had would be completely lost if the moulders were outside the union. (SPFM&SEU(d), 1916: 17 & 27 May; 23 & 27 June & 6 July; SPFM&SEU (e), 1916: 28 June; Transcript, 1919: 205)

The inability of the union to control its members at Metters also raised problems for the arbitration system. The arbitration system is premised on incorporating unions into the industrial relations landscape. While arbitration guaranteed unions representational rights in return it demanded they control and discipline their members. In the case of Metters the SPFM&SEU could not provide this. Consequently, both the union and the arbitration system were concerned to bring workers into line and create more formal processes for dealing with grievances at the workplace.

## FORMALISING THE WORKPLACE

The impetus for formalising workplace bargaining again came from the arbitration system. In the first instance, the Arbitration Court strengthened provisions relating to the piecework committees, requiring employers to notify and meet the committee before fixing piecework rates. Award variations coincided with an attempt by the NSW government to change the direction and role of arbitration so as to encourage workplace negotiation and regulation along similar lines to the Whitley Scheme proposed in Britain. Amendments to the NSW *Industrial Arbitration Act* in 1918 sought to develop joint management and worker shop committees to deal with all matters except wages and working hours (Grant, 1979: 101).

The SPFM&SEU seized upon this development to initiate an inter-union shop committee, thus hoping to gain greater control over the rank and file and reduce the incidence of unofficial strikes. While the inter-union committee quickly became active and achieved a general wage increase across the works, it had a short life span. Lack of support from other unions, which would have been in the minority on the committee, and the refusal of management to meet the committee are the most likely reasons (SPFM&SEU(d), 1918-20).

The demise of the inter-union shop committee acted as a catalyst for the establishment of the SPFM&SEU Shop Committee comprised of an elected representative from each department. The clear purpose of this committee was to gain more control over dispute management within the works, with two of the committee delegates authorised to act as the deputation to management. Although disputes over piecework dominated the shop committee's time, it appears to have dealt with any issue that arose, ranging from wage issues to organising union membership. In 1919 the SPFM&SEU shop committee became the avenue for organising and coordinating negotiations over a general wage increase when Metters' management eschewed industry negotiations in favour of plant level bargaining. Conferences between management and the shop committee resulted in wages increases, as well as the firm recognising the shop committee formally. This entrenched the position of the committee, and it continued to be the focus of workplace negotiations until 1922. (SPFM&SEU(d), 1918-1922)

Though active, the shop committee was very much the work of a small group of activists and a site for political manoeuvrings within the union. Ordinary workers were reluctant to participate in the committee, prompting the union to introduce payment for committee work (SPFM&SEU(d), 1920: 19 July). This reluctance also reflected the self-interest, rather than union ideals, that drove shopfloor militancy after the War. Consequently, the creation of the shop committee did not prevent sections of workers taking independent action. Management's penchant for dealing directly with workers exacerbated the problem for the union. For example, gas stove fitters took matters into their own hands and accepted a management offer

of higher wages for increased output after unsuccessfully pushing for a wage increase through the union (SPFM&SEU(d), 1918-1920). However, it was the piecework moulders who caused the most problems, and again management strategy fuelled the intra-union conflict.

When Metters challenged the position of the piecework moulders, and sought to promote labourers to moulding to overcome a shortage of labour, a sharp division arose between the moulders and the SPFM&SEU. The admission of labourers to moulding threatened to mitigate the moulders' strong labour market position. While this had obvious benefits for Metters, it was also advantageous for the SPFM&SEU who were eager to control the behaviour of the moulders. As the SPFM&SEU covered workers from across the various departments in the works, it was not as concerned with losing members through changes in the work process. Deskilling and dilution, although adversely affecting a sectional group, did not challenge the membership base of the SPFM&SEU. As long as the firm drew labourers from the SPFM&SEU membership, the union retained its standing in the foundry. In keeping with this, when the dispute broke in 1920 the union negotiated an agreement with Metters guaranteeing continuity of work and permitting labourers to be trained as moulders if there was an insufficient supply of qualified moulders. (Transcript, 1920a: 895) Not surprisingly, given the recent history of the moulders, they refused to accept the agreement.

Management fuelled the conflict between the moulders and the union. The way in which management introduced the labourers to moulding provoked further disputes, with the labourers paired with piecework moulders (Transcript, 1920b: 468-92; Transcript, 1920c: 536-9). In addition, Metters responded to a strike by moulders over payment when a lunch time meeting went over time with a lock-out of all members of the SPFM&SEU. The dispute was settled with the intervention of the Labor Council, the Iron Trades Employers Association and the Minister for Labour and Industry but relations between the three parties, Metters' management, the SPFM&SEU and the piecework moulders, soured (SPFM&SEU(d), 1920: 28 & 31 May & 20 June).

The action of the piecework moulders, and the retaliation by management, forced the SPFM&SEU to renegotiate the conditions under which the labourers could work at moulding. After drawn out negotiations, the final agreement between Metters and the SPFM&SEU, registered under the NSW Arbitration Act, provided for the comprehensive regulation of trainee moulders (Metters with SPFM&SEU, 1920, 18: 715). Despite the terms of the agreement, the moulders continued to defy the SPFM&SEU, refusing to return to work as per the registered agreement. This most likely reflected their concern that the use of trainees would dilute their industrial strength, as well as taking the 'good' piecework jobs. The SPFM&SEU took a hard line with the moulders. Initially the SPFM&SEU fined them, but due to their continued defiance it subsequently expelled the moulders and sought and gained an order from the Arbitration Court preventing their re-employment at stove moulding until they had returned to work at Metters. (SPFM&SEU(d), 1920: 12 July & 2 August) The SPFM&SEU's Minutes do not record the readmission of the moulders into the SPFM&SEU, and the fate of these workers is unclear. However, the level of disputation in the foundry dropped considerably during the 1920s, suggesting a victory for Metters and the SPFM&SEU.

Throughout the dispute the New South Wales Arbitration Court remained in the background. While negotiations occurred between management and the SPFM&SEU, the presence of arbitration loomed large. Aside from legalising agreements reached, the Court's penchant for penalising the union for the indiscretions of the moulders influenced the union's position. However, during the dispute the SPFM&SEU used the Court to its advantage, ensuring legal support for the exclusion of the striking moulders from the stove industry.

## **CONCLUSION**

An analysis of regulatory structures and practices at Metters suggests the relationship between arbitration and workplace industrial relations was complex and contradictory. While the NSW Arbitration Court and the Stovemakers' Board accepted the introduction of piecework, they sought to ensure that it was regulated properly. To the extent that this could not be provided at the industry level, the Stovemakers' Award created formal workplace bargaining structures. Thus far from obstructing the development of regulatory structures at the workplace the NSW arbitral system encouraged them.

However, the evidence suggests that worker participation in workplace regulation related to worker militancy rather than the terms of the award. Despite the refusal of Metters' management to meet the pieceworker committees, workers gained considerable control over piecework and the conditions under which it was conducted.

Arbitration did affect the relationship between the SPFM&SEU and its membership. Unofficial strikes subjected the union to fines and other penalties under the *Industrial Arbitration Act*. In addition, stoppages by one section of workers could disrupt the whole works, jeopardising the jobs of SPFM&SEU members. In light of this the SPFM&SEU took a hard line against the repeated stoppages caused by the piecework moulders and ultimately expelled them from the union, a move given added value by the support of the Arbitration Court. However, the organising structure of the union allowed it to take this action without compromising its position or influence in the works. The efforts of the Stovemakers' Board and the NSW Arbitration Court to create a more workable piecework clause can be seen as attempts to formalise the informal activity, and to give the SPFM&SEU more control over the situation.

The development of workplace industrial relations at Metters provides a significant challenge to the conventional view that arbitration inhibited the development of regulatory structures at the workplace. It also highlights the importance, when considering the impact of arbitration, of looking beyond the making of rules and considering the implementation and enforcement of those rules.

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