

Union Struggles and Working Time in Australia: Past, Present, and Future

In the mid-19th century, Australian stonemasons demanded that human life must allow for opportunities to do more than just “work, eat, and sleep”

Control of the hours of work is a central aspiration of working people in all lands. Australian unions have been particularly committed to the struggle for reduced hours, and from the mid-nineteenth century the local campaign for the eight-hour day blazed a path for unions everywhere, drawing international acclaim. But the enjoyment of past victories has been compromised by long-term changes in economy and society. Australian unions have therefore begun to re-imagine the nature of a ‘fair day’s work’, beyond the old standard of the ‘eight-hour day’.

Recent union campaigns have addressed the right to parental leave, the right to disconnect, the specific needs of Aboriginal and Torres Strait Islander workers, and the possibilities of a four-day week. Below, we offer a broad historical survey of Australian union campaigns, from the eight-hour day to a four-day week. This enables appreciation of the labour movement’s transformative impact, just as it does the movement’s persistent capacity for renewal.

Union campaigning in Australia: the eight-hour day and the standard working week

In 1856, as tradesmen in most lands habitually worked ten, eleven or twelve hours a day, stonemasons based in Sydney and Melbourne secured an eight-hour day, spread out over six days. While in Sydney this was secured with a reduction of wages, the Melbourne stonemasons won the claim with full pay. The victory was shared among the skilled workers of Melbourne’s building trades and celebrated with a proud march through the city’s streets. The march became an annual ritual of self-assertion and the stonemasons’ victory an inspiration to employees in other trades, in less skilled occupations, and across the continent¹.

Unionists presented an ‘eight-hour day’ not as a marginal industrial improvement, but rather as a full recognition of their shared humanity. A rich human existence, they said, was distinguished by a process of self-education and intellectual discovery, a capacity to participate in self-government, and by familial and social relationships that gave a life meaning. These could not be enjoyed without time away from work, so that the quest for reduced hours was also a battle for human rights. As stonemason and MP Charles Jardine Don explained in 1858, the campaign reflected the conviction that a human life should be more than “work, eat, and sleep”.

The eight-hour ideal was pursued through the formation of new unions, the founding of new

political associations, and through strikes, rallies, deputations, and electoral campaigns. By the late nineteenth century, the standard covered perhaps three-quarters of the workforce. Over subsequent years, Australian unionists and their supporters won a half-day holiday on Saturday (a forty-four hour week), and then a forty-hour week spread out over only five days. These victories were generalised more quickly, since a new Labor Party was able to win office and to legislate reductions to working hours, and since a new institution, a Court of Arbitration, was empowered to determine working conditions in situations of industrial conflict. Unionists also enjoyed the selective support of industrial sociologists and medical experts, who drew on experiments and detailed studies to argue that long hours were associated with fatigue, absenteeism, work accidents, and hence reduced efficiency; reduced hours could also mean greater productivity and even greater output. Some employers endorsed these findings. From the beginning of 1948, after a prolonged union campaign, the Commonwealth Court of Arbitration established the forty-hour week as a general standard across the Commonwealth.

The battle for reductions beyond forty hours has been no less determined but notably less successful. From the later 1950s, the peak union body, the Australian Council of Trade Unions, identified a thirty-five hour week as a common goal. It was agreed that this campaign should be spearheaded by workers in those industries most strongly affected by technological change. The introduction of new technology promised increased productivity but fewer jobs; reduced hours could be considered a means of distributing productivity gains to employees. Fighting hard and with imagination, miners, waterside workers, and employees in the oil industry led the charge. But the generalisation of these victories proved more difficult. Despite committed efforts and sometimes bitter strikes, power workers and metal workers struggled to attain the same standard. A compromise agreement in the early 1980s established a thirty-eight hour week as a new norm, though its application has been far from complete.

The last four decades have not extended generalised reductions beyond thirty-eight hours per week, though in any case the notion of a generalised standard has itself come under attack. Employers and conservative politicians have promoted “flexibility” as a primary aim, a quest that in practice has involved the erosion of common labour standards. An increasing number of employees have been employed casually, part-time, or engaged as

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“independent contractors”. These arrangements have undermined the old centrality of “standard hours”. They have also weakened the power of unions to battle for workers’ rights. Excessive hours are a particular problem for professional employees. Unpaid overtime is a consistent feature of the workplace, and on average, Australians work more than four hours of unpaid overtime every week². While a path-breaker in the winning of workers’ rights from the nineteenth century, more recent Australian efforts to further reduce the working week have faced substantial challenges.

Beyond the eight-hour day: new understandings, new campaigns

The inability to reduce the standard working week below thirty-eight hours should not imply that struggles over working time since the 1980s have been fruitless, for unions have been more successful in winning some recognition of the importance of caring work, and of the right to leave to make such caring possible. Women unionists have been especially active in making these issues central to union campaigns and in the waging of decisive struggles. They have helped to transform our collective understanding of ‘working time’. They have secured new industrial rights and reimagined future union struggles.

Parental leave was the first major goal. Over the 1970s, several unions led the battle for maternity leave and in 1979 the ACTU initiated a test case on this matter in the industrial tribunal. The tribunal’s judgement led to the introduction of one year’s unpaid maternal leave as a general national standard. Its scope was expanded in subsequent years to include mothers of adopted children (1985), fathers (1990), and some casual workers (2001), though the absence of paid leave compromised this victory. A generalised system of paid parental leave was eventually introduced by the Gillard Labor government in 2011, with subsequent union efforts aiming to extend the scope and application of this leave.

Recent unions campaigns have also highlighted the necessity of having specific leave rights that allow workers to respond to moments of threat and crisis. A notable example is the long-running campaign to achieve paid family and domestic violence leave, to ensure support is available to workers leaving a violent relationship. The Australian Services Union won what is believed to be the world’s first paid family and domestic violence leave clause in an enterprise agreement in 2010. A subsequent broad-based union campaign focused on expanding this right to other union-negotiated agreements, and waging a twelve year-long campaign to have these rights generalised to all workers. In 2022, the Albanese Labor Government introduced legislation to enshrine 10 days paid family and domestic violence leave as a universal right.

Recent union efforts have also sought to recognise the specific needs of Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait

Islander unionists have played a significant role in securing leave rights that recognise the importance of their culture and custodianship of country. This includes entitlements, such as cultural leave, and support for flexible working arrangements³. These rights do not apply across the workforce, but are dependent on agreements being in place between unions and employers. The campaigns of the National Tertiary Education Union have helped to win these leave rights in workplace agreements in the higher education sector⁴.

It is important that on-going discussions about reduction in the working week in Australia, including the four-day work week, include a focus on the specific implications for Aboriginal and Torres Strait Islander peoples. ACTU Indigenous Officer Lara Watson has explained that a reduced working week would enable Aboriginal and Torres Strait Islander peoples to engage in significant cultural and care responsibilities. It would provide benefits, such as enhancing the capacity for Aboriginal and Torres Strait Islander peoples to teach language and customs, to be able to walk country to teach songs and histories, to perform and teach ceremony, to reconnect to Country, to care and learn from Elders, and to practice traditional dance, art and song.

Watson has explained that the majority of Aboriginal and Torres Strait Islander peoples do not live on traditional country due to the effects of colonisation and dispossession. Time is required for travel to country and for gathering. Watson has outlined that Aboriginal and Torres Strait Islander workers are often subject to “the Western constraints of time”, and having access to a 4 day week could really re-ignite an ancient and vibrant culture that can be shared with all who live on this country”.

Experiments with the four-day week

Australia’s unions have pursued a range of measures to seek greater job security, improved and genuine flexibility to support working peoples caring responsibilities, and enhanced leave entitlements. Unions in some sectors have also drawn upon differing conceptualisations of the four-day work week to restructure working time in a manner that facilitates an improved work/life balance for union members, while meeting the specific requirements of a particular industry, its employers, and its workforce.

While there are many examples of this, here we seek to highlight two recent case studies that have pioneered different forms of the four-day week in enterprise bargaining agreements – the predominant form of collective bargaining in Australia.

The Australian Services Union (ASU) is credited as the first union to attain a four-day working week trial in an enterprise agreement. The union’s Victorian Private Sector branch negotiated for the



888 Memorial, Melbourne

In more recent times, unions have campaigned for parental leave, the right to disconnect, the specific needs of Aboriginal and Torres Strait Islander workers, and the possibilities of a four-day week

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Campaigns for reduced working hours continuing a long tradition of taking action to secure a decent work/life balance for working people

measure to be included in the 2023 enterprise agreement for its members working at Oxfam, which employs around 100 staff members. Employees could choose to have their weekly entitlements varied to 30 hours per week with no loss of pay as part of the trial⁵.

The four-day week proposal was driven by ASU delegates and members working at Oxfam. ASU Victorian Private Sector Branch Secretary Imogen Sturni noted that the proposal came in the context of the global 4-day week trials being conducted, and changed expectations around the ordering of working lives that followed COVID-19. Sturni commented at the time that “we’ve had this concept of ‘nine-to-five, Monday to Friday’ for some time now ... Really, with COVID, though, I think we did see a bit of a re-assessment around ‘maybe there are better ways — or at least other ways — of doing things’”⁶.

Sturni noted that Oxfam’s leadership deserve acknowledgement for their receptiveness to the trial, building on an established record of facilitating genuinely flexible working arrangements for its staff, and co-designed the framework for the trial with the union. The trial period is underway at the time of writing.

In terms of the anticipated benefits of the four-day week, Sturni referred to results from international trials that have identified the improved work/life balance and the positive effects this has had on working people’s physical and emotional health. It has particular significance in the context of the need to adjust models of work to ensure greater gender equity, and to support all forms of family unit (including working single parents).

Also in 2023, the Shop Distributive and Allied Employees Association (SDA), the union representing retail, warehousing and fast-food workers, concluded an enterprise agreement with the large hardware retailer Bunnings that included making staff eligible for a trial of the four-day week.

The impetus for this agreement came from the results of a survey initiated by the union titled “Who Cares? A Fair Share of Work and Care” in 2021. Conducted by a research team of academics from the University of New South Wales and RMIT

888 Memorial, Melbourne University, the survey considered the work and care arrangements of workers across the retail,

warehousing, and fast food sectors⁷.

In particular, it analysed how workers in these sectors balanced the needs of work and family, especially in regard to caring responsibilities, and the main challenges that they encountered. The report from the survey concluded that SDA members made vital economic and social contributions through both their working lives, but also their unpaid labour as parents and carers, yet, “these social and economic contributions are poorly recognised and accommodated in their working

lives”⁸. 55 percent of all participants in the survey regularly contributed care to another person, but caring responsibilities often encountered burdens imposed by inflexible working arrangements, or ‘flexible’ arrangements that were too often structured around the needs of the employer, rather than balancing these with the needs of workers⁹.

The 2023 enterprise agreement negotiated between SDA and Bunnings was framed to respond to these needs in a manner best suited to both workers and the employer. The agreement included the ability to conduct a trial of a four-day week for full time staff members, in which they could elect to work all their required hours in that four-day span, or alternatively they could work their hours across a nine day fortnight. The agreement also included additional annual leave (a total of five weeks per year), a change to the controversial rostering system, and a 10.8 percent wage increase¹⁰. SDA National Secretary Gerard Dwyer commented that, “this is a significant breakthrough for work-life balance for workers in the retail sector”¹¹.

In both case studies, we can see unions seeking to adapt the broad demand for a four-day week to the specific needs of their members and the industries that they work within. In this, these unions and the others in Australia undertaking various campaigns for reduced working hours are continuing the movement’s long tradition of taking action to secure a decent work/life balance for working people.

When the Stonemasons campaigned for the right to an eight-hour day in the 1850s, they were asserting their fundamental humanity. While they were skilled professionals who were proud of their labour, they declared that they also had a right to a life outside of work. James Galloway, a significant leader of the campaign, declared that the Stonemasons wanted to play more than “the mere part of machinery”.

This is a humanising claim that continues to inspire the movement. Though the specific demands have changed drastically since the 1850s, the need to claim the right to a life outside of the workplace remains.



- 1 Australian Trade Union Institute (ATUI), “21 April 1856 – Melbourne Stonemasons take action for the 8 Hour Day”, ATUI, accessed: <https://atui.org.au/2022/04/14/21-april-1856-melbourne-stone-masons-take-action-for-the-8-hour-day/>; Sean Scalmer, “Lessons from the campaign for the eight-hour day”, ATUI, accessed: <https://atui.org.au/2023/04/24/lessons-from-the-campaign-for-the-eight-hour-day/>
- 2 Centre for Future Work, *Australians Working 6 Weeks Unpaid Overtime, Costing Economy Over \$92 Billion: Go Home on Time Day Report*, 22 November 2022, accessed: <https://futurework.org.au/post/australians-working-6-weeks-unpaid-overtime-costing-economy-over-92-billion-go-home-on-time-day-report/>
- 3 Fair Work Ombudsman (FWO), “Aboriginal and Torres Strait Islander Peoples”, FWO, accessed: <https://www.fairwork.gov.au/find-help-for/aboriginal-and-torres-strait-islander-people>

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- 3 Cf. Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism*, Harvard University Press, 2018,
- 4 Friedrich Hayek, *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy, vol. 2: The Mirage of Social Justice*, Routledge 1982, p. 128
- 5 *Governance by Numbers. The Making of a Legal Model of Allegiance*, Oxford & Portland, Hart Publishing, 2017, 336 p.
- 6 The work of Richard Thaler & Cass Sunstein (*Nudge: Improving Decisions about Health, Wealth, and Happiness*, Yale University Press, New Haven-London, 2008) has been awarded the so called 'Nobel Prize in Economics' and the Holberg Prize in the Social Sciences,
- 7 Cf. World Bank, *Mind, Society and Behavior*, World Development Report 2015, 215 p.
- 8 G. Simondon, *Prolégomènes à une refonte de l'enseignement* (1954), in *Sur la technique*, Paris, PUF, 2014.
- 9 Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, Profile Books, 2019, 704 p.
- 10 These points are developed in the following publications : "Labour is not a commodity: The content and meaning of work in the twenty-first century", *International Labour Review*, Vol. 160 (2021) n°1, pp. 1-20; *La Justice au travail. Quelques leçons de l'histoire*, Paris, Seuil, 2022; *Beyond Employment. Changes in Work and the Future of Labour Law in Europe*, Oxford University Press, 2001
- 11 Cf. *The Spirit of Philadelphia. Social Justice vs. the Total Market*, London New-York, Verso (2012), Ch.1,
- 12 See ECHR 11 June 2020 (*Baldassi v. France*) and 10 June 2021 (*Norwegian Confederation of Trade Unions (LO) and Norwegian Transport Workers' Union v. Norway*).
- 13 A. Supiot, "The tasks ahead of the ILO at its centenary", *International Labour Review*, Vol. 159 (2020), n° 1, pp. 117-136.
- 14 Cf. A. Supiot, "Globalisation or 'Mondialisation'? Taking Social Models Seriously", in Brian Langille and Anne Trebilcock [eds] *Social Justice and the World of Work: Possible Global Futures – Essays in honour of Francis Maupain*, Oxford, Hart, 2023. pp. 13-22.
- 15 Claude Lévi-Strauss, *Race et history*, Paris, Unesco, 1952 p. 49.

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- 4 Sharlene Leroy-Dyer, "Aboriginal and Torres Strait Islander employment provisions within enterprise agreements in Australian universities, the role of the National Tertiary Education Union and collective bargaining", *Journal of Industrial Relations* 65:4 (2023): 451-471.
- 5 Australian Services Union Victorian Private Sector, *Media Statement: ASU members secures first 'Four-Day' full-time working week for Oxfam employees*, 23 March 2023, accessed: https://www.asuvc.org/ASUVIC/News/Media_Statement_Oxfam_4-day-workweek.aspx
- 6 Daniel Ziffer, "Worker delight as four-day week spreads, with union agreements locking in expansion of scheme to new employers", *ABC News*, 11 September 2023, accessed: <https://www.abc.net.au/news/2023-09-11/four-day-week-expansion-with-union-agreements-locking-in-spread-/102681412>
- 7 Natasha Cortis, Megan Blaxland, and Sara Charlesworth, *Who Cares?: A Fair Share of Work and Care for Australia's Retail, Online Retail, Warehousing and Fast Food Workers* (Sydney: Social Policy Research Centre, UNSW Sydney, 2021). Report can be downloaded: <https://national.sda.com.au/care/>
- 8 *ibid.*, p.2
- 9 *ibid.*, p.8.
- 10 Shop, Distributive, and Allied Employees Association (SDA), "New proposed Bunnings Agreement set to secure big wins for Bunnings workers", SDA, accessed: <https://national.sda.com.au/bunnings/>.
- 11 David Marin-Guzman, "Bunnings agrees to trial four-day week in landmark deal", *Australian Financial Review*, 19 May 2023, accessed: <https://www.afr.com/work-and-careers/workplace/bunnings-agrees-to-trial-four-day-week-in-landmark-deal-20230519-p5d9sf>

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demonstrated by the results of the French 35-hour working week reform of 2002, and despite unsatisfactory implementation conditions, it is also a way of reducing the number of part-time workers and creating jobs (at least 350,000 direct jobs) without harming business activity.

Linked to a reorganisation of work, the 32-hour week would enable the establishment of a new mode of economic and social development, for the good of all and in the general interest.