

Relations industrielles Industrial Relations



The Settlement of Labor Disputes on Rights in Australia, Paul F. Brisseden, Monograph series : 13, Institute of Industrial Relations, University of California, Los Angeles, 1966, 125 pages.

Pierre Dionne

Volume 22, Number 3, 1967

URI: <https://id.erudit.org/iderudit/027819ar>

DOI: <https://doi.org/10.7202/027819ar>

[See table of contents](#)

Publisher(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (print)

1703-8138 (digital)

[Explore this journal](#)

Cite this review

Dionne, P. (1967). Review of [*The Settlement of Labor Disputes on Rights in Australia*, Paul F. Brisseden, Monograph series : 13, Institute of Industrial Relations, University of California, Los Angeles, 1966, 125 pages.] *Relations industrielles / Industrial Relations*, 22(3), 451–451.

<https://doi.org/10.7202/027819ar>

Tous droits réservés © Département des relations industrielles de l'Université Laval, 1967

This document is protected by copyright law. Use of the services of Érudit (including reproduction) is subject to its terms and conditions, which can be viewed online.

<https://apropos.erudit.org/en/users/policy-on-use/>

Érudit

This article is disseminated and preserved by Érudit.

Érudit is a non-profit inter-university consortium of the Université de Montréal, Université Laval, and the Université du Québec à Montréal. Its mission is to promote and disseminate research.

<https://www.erudit.org/en/>

of Economics). The report of the Australian law entitled «*Restraints of Trade Union Activity in Australia*», was prepared by H.J. Glasbeek, a member of the Bar of Victoria (Australia), formerly Senior Tutor-in-law at the University of Melbourne, and now Assistant Professor of Law at the University of Western Ontario. The report on the United States law, entitled «*The Labor Injunctions in the United States*», was prepared by Benjamin Aaron, Professor of Law and Director of the Institute of Industrial Relations in the University of California at Los Angeles.

Pierre DIONNE

The Settlement of Labor Disputes on Rights in Australia, Paul F. Brisseden, Monograph series: 13, Institute of Industrial Relations, University of California, Los Angeles, 1966, 125 pages.

In these pages are the results of an attempt to explain to American readers how the Australian systems of industrial arbitration are utilized to deal with industrial grievances, or labor disputes over rights. Since the Australian arbitral apparatus was built up as machinery for the settlement, primarily, of disputes over interests, and was utilized only later, and somewhat as an afterthought, for dealing with rights, it has seemed necessary to give some attention to the systems as a whole, and even to consider their utilization in disputes over interests. Not only is reliance in Australia in large measure upon the same apparatus for handling the two classes of disputes, but also the processes followed are often identical or closely similar.

So, the author discuss the settlement of interest disputes only insofar as necessary to get some perspective on the moving parts in the Australian arbitral system and to see how they are brought to bear on rights disputes.

The inquiry into the Australian system is introduced by a summary description of the continent and the Commonwealth which occupies it. The author then compare the arbitral process in Australia and the analogous process in the United States and note the peripheral nature of the role of collective bargaining in Australia. There follows a brief discussion of the origins and general features of the federal and state arbitral systems and the «*two-story*» wage structure Down Under.

The second chapter presents a description of the Australian arbitral apparatus in the federal jurisdiction and in the four state jurisdictions in which such machinery operates, with emphasis upon the state system in New South Wales.

The next two chapters seek to explore the doctrines of interstateness and of ambit and the limitations these place upon the freedom of action of the tribunals in dealing with the wage structure and upon a careful distinction between labor disputes on rights and those on interest.

Discussion of the operation of the arbitral apparatus occupied the largest section of the monograph. Here the analysis centers upon the principal channels and devices through which disputes on rights are dealt with, such as boards of reference, industrial magistrates, industrial courts, major tribunals, award making, award variation, collective bargaining, and industrial action. Seventeen cases, illustrating most of the methods and involving most of the classes of tribunals, are outlined in the hope that in this way some color of reality may be given to an exposition which otherwise might well seem somewhat fourth-dimensional.

The final chapters, again, point up some differences and similarities between the Australian and the American systems and offer some concluding observations.

Pierre DIONNE

Contemporary Labor Issues, Foget and Kleingartner, Wadsworth Publishing, Belmont, 1966, 462 pages.

This book represents an attempt to provide a more exciting approach to the study of labor. The experience of the author in teaching courses in labor and industrial relations has convinced him that a high degree of student interest in these courses can be awakened by exposing the students to important current issues in the field of labor-issues which have contemporary meaning to people who are interested in what is going on in the world in which they live. Too often, a seminal intrigue with labor problems is stifled by an excessively intellectual or uninspiring presentation of traditional academic subjects. The author believe that an issues approach will stimulate interest in labor problems which will be accompanied and followed by effective learning of appropriate subject matters.