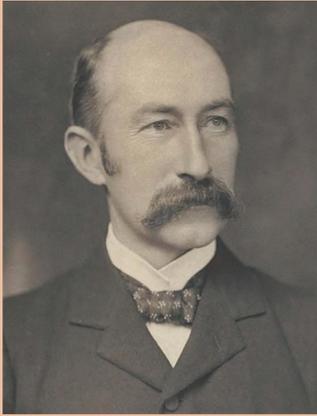




Fair Work
Commission

SIR RICHARD KIRBY ARCHIVES

EQUAL PAY



Justice Henry Bournes Higgins
President of the Commonwealth Court of Conciliation and Arbitration
1906-21

“I have had the advantage of seeing the women performing the lighter operations of packing at a factory; and I have no doubt that the work is essentially adapted for women with their superior deftness and suppleness of fingers.”



1912

Rural Workers' Union and South Australian United Labourers' Union v The Employers, Parties to the Temporary Agreement referred to in the Order of the President, dated the 1st December, 1911- The Mildura Branch of the Australian Dried Fruits Association and Others (Fruit-pickers Case) (1912) 6 CAR 61

EQUAL PAY



The Fruit-pickers case in 1912 was the first case before the Commonwealth Court of Conciliation and Arbitration dealing with “the problem of female labour”.

Justice Higgins rejected a union call for equal pay for equal work.

He made a “tentative” decision that women should be paid the same rate as men if they are doing male work (e.g. blacksmiths) or work where men and women are in competition (e.g. fruit-picking).

Women working in women’s jobs, however, such as fruit-packing, should be paid less than men.

Justice Higgins concluded:

“I have come to the conclusion that, under the circumstances, as the minimum for men and women pickers in competition is to be fixed at 1s. per hour, the minimum for women workers in these processes, in which men are hardly ever employed, should be fixed at 9d. per hour.”

1912

EQUAL PAY

MR MCNAMARA: I think you said the girls packed, how many cases?

MR DE GARIS: An average girl would pack 24 cases a day.

HIS HONOR: Are these best girls or average girls?

MR DE GARIS: Average girls.

MR MCNAMARA: Have you employed any men doing that type of work?

MR DE GARIS: No. ...

MR MCNAMARA: Have you ever offered this work to men?

MR DE GARIS: No.

MR MCNAMARA: Have you any reason for not offering it to men?

MR DE GARIS: For the same reason that you do not get men to do sewing. It is girls work. ... It is finniking work. There is nothing heavy or arduous about it.

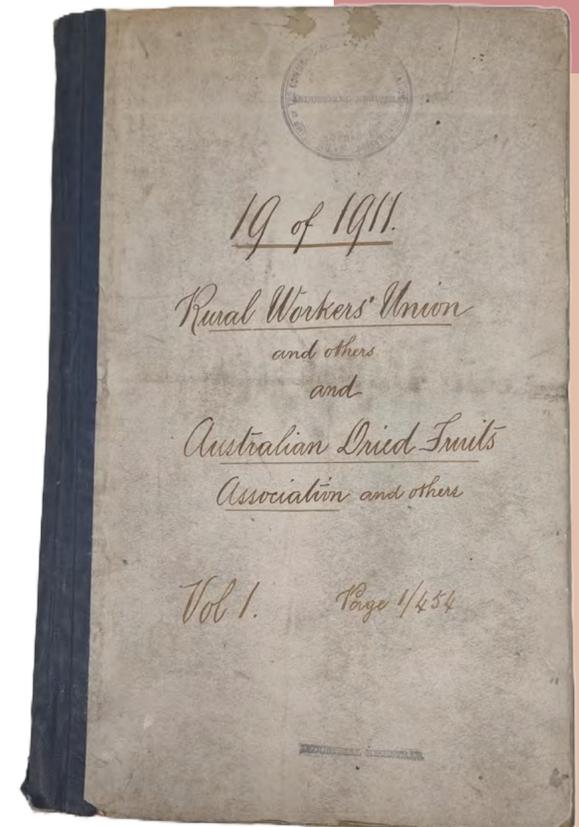


Photo: Cover of transcript file, Sir Richard Kirby Archives

Mr McNamara, General Secretary of the Rural Workers' Union cross examining Mr Clement John De Garis, Director and Manager of the Sarnia packing factory
Transcript, Vol 2 at pp.469-470

1912

Rural Workers' Union and South Australian United Labourers' Union v The Employers, Parties to the Temporary Agreement referred to in the Order of the President, dated the 1st December, 1911 - The Mildura Branch of the Australian Dried Fruits Association and Others (Fruit-pickers Case) (1912) 6 CAR 61