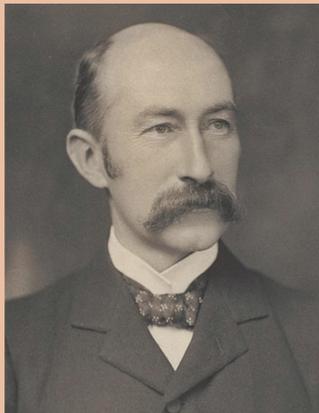




Fair Work
Commission

SIR RICHARD KIRBY ARCHIVES

EQUAL PAY



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

‘If the girls will have their finery at the sacrifice of other things more necessary, that is their business; but probably it is not fair to force the employers to pay for all that a girl may fancy as being for necessary human requirements. At the same time, we must not forget the important social function of girls’ dress as a bulwark for self-respect; and it is for women who can afford it to show the way of simplicity and good taste.’



Federated Clothing Trades of Australia v JA Archer and Others
(Clothing Trades Case) (1919) 13 CAR 647

EQUAL PAY



Justice Higgins sets a basic wage for women workers of 35 shillings per week compared to 65 shillings per week for men.

In deciding that women should be paid 54 per cent of the male wage he noted that unlike men, women do not normally have to support dependents. He said the pay rate for women should be “suitable for a single woman supporting herself only”.

Confirming his earlier ruling in the Fruit-pickers Case, Justice Higgins found that where women perform work also performed by men the male rate should apply. This was to ensure the male breadwinner was not displaced in work by cheaper female labour.

In the decision Justice Higgins said:

“Men are under an obligation —under our Statutes a legal obligation—to maintain a wife and children. But in the case of workers such as milliners, or those who trim daintily boxes for display of fruit in shop windows, the minimum rate should be that suitable for a single woman supporting herself only. It is women’s work; if the employers’ had to pay the same wages to women as to men, he would employ women for their superior deftness and delicacy of fingers.”

1919

EQUAL PAY

MR SCOVELL: In regard to women's dresses and adornments, boots hats, and all that sort of thing what would appear to be the cast is that every girl is a law unto herself in those matters?

MISS LEAVY: Yes.

MR SCOVELL: And that it is not so much a matter of what her needs are as that it is a matter of her desires?

MISS LEAVY: No. Some girls are much lighter on garments than others, and some are heavier on garments than others, and all girls do not wear the same class of garments. One girl may be able to dress and be very presentable on say £24 a year and another might say that she could not possibly do it but she would require £34 a year.

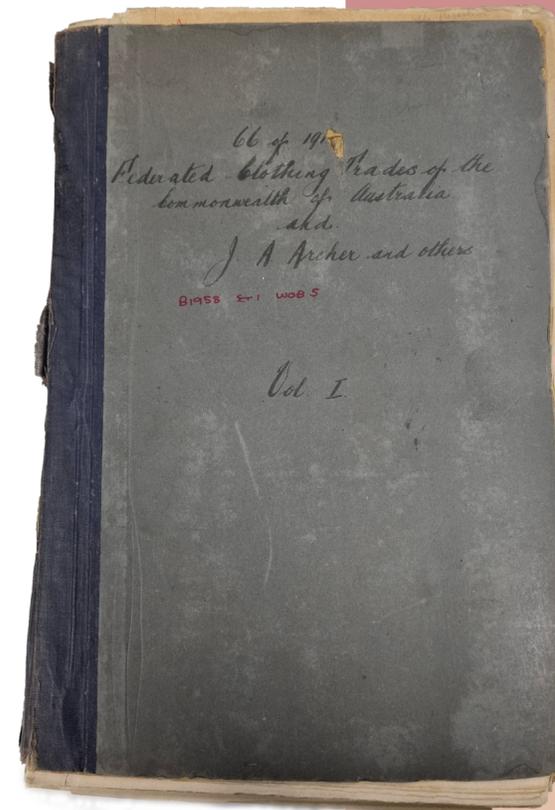


Photo: Cover of transcript file, Sir Richard Kirby Archives

Mr Alex Scovell, appearing for 99 Victorian respondents cross examining Miss Mary Jane Leavy, Coat Maker Transcript, at p.172

1919