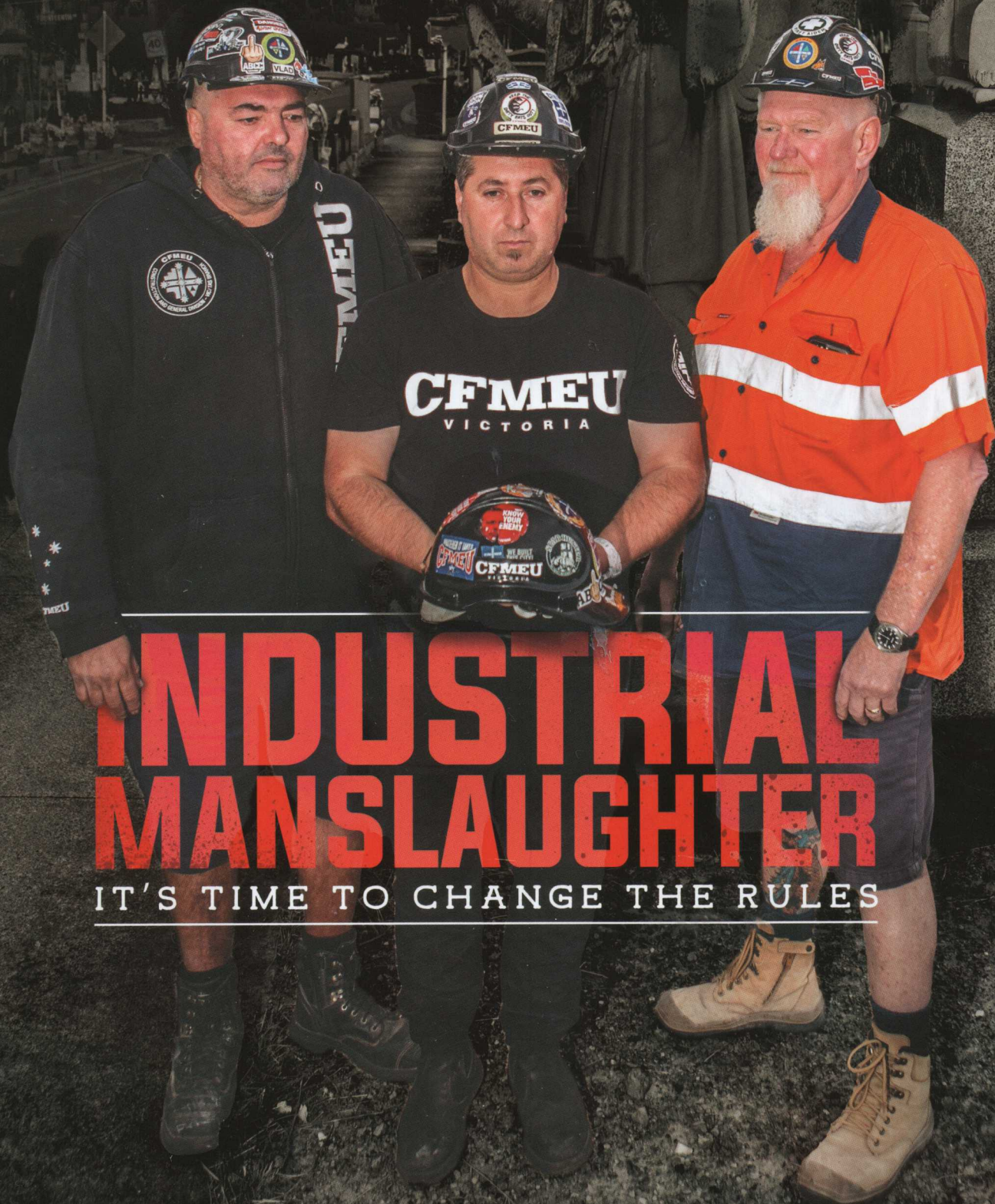


# CFMEU



# INDUSTRIAL MANSLAUGHTER

IT'S TIME TO CHANGE THE RULES



# CLARRIE O'SHEA

WORKING CLASS HERO



By Russell Jones, Melbourne Tram Museum

Clarrie O'Shea is a controversial figure in Australian industrial history. Reviled by conservatives as a communist stooge and union militant, he is upheld to this day by the radical left as a hero and defender of workers' rights and privileges. A case can be made that he was a critical factor in the retention of Melbourne's tramway system during the 1950s and 1960s, although this came at a heavy financial cost.

He was born Clarence Lyell O'Shea in 1906 in Tasmania. As an employee of the Melbourne & Metropolitan Tramways Board (M&MTB) in the 1920s at North Melbourne, he was active early in his career with the Australian Tramway & Motor Omnibus Employees' Association (ATMOEA). He assumed the role of ATMOEA State Secretary in the mid-1940s, a position he held for over thirty years.

Under O'Shea's direction, the Victorian Branch of the ATMOEA was a fierce campaigner for workers' rights and privileges, particularly in the areas of shorter working hours, improved leave and sick pay allowances, and better retirement provisions. He had frequent clashes with the M&MTB management, especially after the formidable Major-General Sir Robert Risson was appointed Chairman in 1949. Risson's predecessor, H.H. Bell, said of the union under O'Shea's leadership that it was "like having a gun always pointed at your head". Bell refused to believe that O'Shea represented the views of more than one in five tramway workers, and referred to him in private as nothing but a communist thug and bully.

### **PAY & HOURS OF WORK**

O'Shea's battles with Risson began almost immediately. In February 1950, the union under his direction went out on strike for an over-award payment of £2 per week, representing an increase of 15%. Risson lodged a court case which resulted in the deregistration of the

ATMOEA, resulting in the union no longer being allowed to represent workers in the Arbitration courts. The strike continued for sixty days, and was ended only after the M&MTB agreed not to oppose re-registration of the ATMOEA. However, the union failed in its bid to get the over-award payment.

O'Shea fought for the introduction of the 40 hour week - the standard award had M&MTB workers rostered for 44 hours - and inclusion of conductors' pay-in time as part of their hours of employment.

### **FINES IGNORED**

Over a period of five years from 1964 to 1969 the ATMOEA had accumulated 40 fines totalling



\$13,200 as a result of industrial action, none of which were paid by the union. O'Shea was ordered by the Commonwealth Industrial Court to provide the financial records of the ATMOEA, so that the court could determine the union's ability to pay the outstanding fines. However, he point blank refused to provide the records.

### **GENERAL STRIKE**

The culmination of this conflict occurred on 15 May 1969 when O'Shea was jailed by Justice Kerr (later Sir John Kerr and Governor-General of Australia, notable for the sacking of the Whitlam Government) of the Commonwealth Industrial Court for contempt over the failure to answer summonses and pay fines totalling \$8,100.

This sentencing resulted in national general strike action across a wide range of industries. There were a number of marches in many state capitals, often culminating in violent clashes between strikers and police.

The level of public unrest caused anxiety to both Federal and State Governments, but they could not afford to be seen to back down, as they would otherwise appear to be soft on unions. This dilemma was only broken by the action of Dudley MacDougall, a former advertising manager for the Australian Financial Review, who paid the outstanding fines acting on behalf of an anonymous public benefactor who was said to have won the NSW State Lottery.

O'Shea was released from Pentridge Prison on 21 May 1969.

### **PENAL POWERS**

On his release, O'Shea announced, "My release is a great victory for workers. I am certain that all workers remain adamant in their opposition to the penal powers, which are designed to suppress the workers. The infinite power of the workers when they are really aroused has frightened

the life out of the government and the employers ... I am certain the workers will continue the struggle for the abolition of all penal powers."

The penal powers were never used again, there is little doubt the inflexible and intimidating Risson made a conciliatory approach impossible. The inability of the M&MTB to utilise one-man crews removed much of the financial incentive to replace trams with lower capacity buses. Therefore, indirectly O'Shea and his industrial advocacy was a key element in the retention of Melbourne's trams during his tenure as State Secretary of the ATMOEA.

Clarrie O'Shea died in 1988, a hero of the Australian trade union movement and the radical left.