

Tribute to Joe Isaac AO

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Emeritus Professor Joe Isaac AO

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This book is dedicated to Emeritus Professor Joe Isaac, one of the most influential contributors to both scholarship and public policy in Australian industrial relations during the past 60 years. He is one of a select number of academics who has succeeded in influencing both theory and practice in the fields of labour economics and industrial relations not only in Australia but also at the international level.

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In his long career, Joe Isaac has experienced and influenced some of the most profound economic, social and political changes in the modern era. As previously noted, 'if each of the themes (of Joe's working life) were embedded in an account of the surrounding history, much of the story of Australian industrial relations of the past half-century would be told' (Hancock, 1998: 506-507). The impact of events on him and, conversely, his influence on how policies evolved in response to these events, are no more evident than during his period as a Deputy President of the Australian Conciliation and Arbitration Commission from 1974 to 1987. This was a time of great turmoil and reform of the Australian economy in which industrial relations played a central role. Joe's influence as an economist on the Commission during this period clearly influenced both its decisions and his own writings on industrial relations.

In his many publications, Joe has outlined the complex challenges that scholars and practitioners face in reconciling the competing and sometimes contradictory interests and objectives that exist in industrial relations. There are often tensions between the objectives of industrial relations and labour market policy versus broader economic policies, as well as differences between economic and legal perspectives. Through his work as a scholar and arbitrator, Joe has provided valuable insights into how these tensions can be addressed. We begin with a summary of Joe Isaac's career as a labour market economist prior to his appointment to the Commission. We then examine how his work as a labour market economist impacted on his work as a Deputy President of the Commission, and how his experience as a practitioner impacted on his scholarly work during and after his period of service at the Commission.

Early Influences

Joe Isaac's philosophical views and values, which have been expressed in his work as an academic and arbitrator, have been shaped by his personal background and experience. He was born in Penang, then a British colony, in 1922. His father had emigrated at the age of 17 from Mesopotamia, which was then part of the Ottoman Empire, and his mother was born in Burma, the daughter of a colonial civil servant. Joe went to school with Chinese, Malay

and European students and multiculturalism came naturally to him. As a wholesale general merchant trading between Penang and Java, Joe's father took the family to live for several years in Semarang, where Joe added Dutch and Bahasa Indonesia to his knowledge of English and Bahasa Malay. His language skills would influence Joe's career in later years.

After completing the London Matriculation examination at the Penang Free School, Joe entered the University of Melbourne in 1941 to undertake a Commerce degree. He had wanted to do Medicine, having taken the requisite science subjects at school, but acceded to his father's wish that he should become an accountant. After working in an accountant's office during university vacations, however, Joe knew that this was not a vocation he wished to follow, as he had discovered a passion for Economics. He subsequently obtained a first class degree in Economics with a thesis on trade between Australia and the (then) Dutch East Indies.

Following his graduation as BCom and BA, with first class honours, in 1945, he was appointed tutor in Economics at the University of Melbourne. An opportunity to put his language skills and knowledge of the Dutch East Indies to work came when he was invited to accompany Professor W Macmahon Ball in October 1945 on a mission to Batavia for the Australian government. The purpose of the mission was to advise the government on its policy on the newly proclaimed Indonesian Republic, and the report was important to the long-term relations between the two countries (Isaac, 1996).

Joe married Golda Taft, a Science graduate of the University of Melbourne, in 1947. Supported by a travelling scholarship, he proceeded to doctoral studies at the London School of Economics. He was assigned to the supervision of Henry Phelps Brown, who had recently arrived from Oxford to take up the new chair of the Economics of Labour. Joe had intended to focus his research on the theoretical implications of Chapter 19 of Keynes' *General Theory*, which was a 'hot topic', given the influence of Keynes on economic policy at that time. However, Phelps Brown persuaded him to examine the Australian labour market in its broader context. In Joe's words, 'Phelps Brown said to me: You come from a very interesting country. You've had systems of wage regulation for a long time. Why don't you write something looking back at economic forces which

affected the labour market?’ (Lansbury and Wright, 2013: 213-214). Joe completed his doctoral thesis, *Economic Analysis of Wage Regulation*, in two years. This area of economics was to play an important part in his academic and professional career, as evident from the various positions he held (Hancock, 1998).

Early Career as a Labour Economist

Joe and Golda returned to Australia in 1949, when Joe took up a lectureship in economics at the University of Melbourne. He rose progressively and was appointed Professor of Economics in 1962. His initial publications, in the early 1950s, focused on the problems of wage policy in Australia pursued by the (then) Commonwealth Court of Conciliation and Arbitration during the post-war economic boom, which delivered full employment but with high levels of inflation. In an article about the basic wage and standard hours inquiry of 1952-1953, he was critical of the Court’s lack of understanding of basic economic and statistical material: ‘they simply listed economic variables but did not say how relevant they were to the issues at hand’. This was a theme to which he would return many times in his writings and would later stand out in his work as a Deputy President of the Conciliation and Arbitration Commission.

In the early stages of his career, he tended to view industrial relations largely through the lens of labour economics and did not accord as much importance to the role of institutions as he did in later years. In his own words: ‘I came to the conclusion that you could not deal with labour economics without having an institutional framework because the two work together. Wages do not operate in a free market impersonally. (They) are administered by large groups like employers and unions. You need to understand how institutions work ... So that is why I moved into industrial relations’ (Lansbury and Wright, 2013: 214).

Joe’s interest in collective bargaining emerged strongly after spending the year 1956 in the United States on a Rockefeller Fellowship. He visited the leading industrial relations institutes in the US and interacted with the major academic scholars of that era: John Dunlop at Harvard, Lloyd Reynolds at Yale, Arthur Ross and Walter Galenson at Berkeley, and Milton Derber at Illinois. He also

met major union leaders such as Jimmy Hoffa of the Teamsters who spoke at John Dunlop's Harvard seminars. This was during the peak of the collective bargaining era in the US, when unions were strong in key industries. As Joe noted, 'I came home convinced that the arbitration system (in Australia) should largely be replaced by collective bargaining, preferably at the enterprise level' (Hancock, 1998: 489). In publications following his period in the US, Joe expressed his view that collective bargaining provided positive inducements for better industrial relations (eg, Isaac, 1958).

In 1965, he moved to the recently established Monash University as one of the foundation professors in the Faculty of Economics and Politics. Monash became a lively centre for industrial relations teaching and research. Newly appointed academics included Allan Fels, Bill Howard and Di Yerbury. Joe encouraged an interdisciplinary approach to the field and inspired a number of students who later became prominent in unions, business and government and helped to shape the development of industrial relations in Australia.

From the mid-1960s to the early 1970s in Australia, there was lively debate about the state of industrial relations. The Australian economy had relatively high levels of tariff protection for manufacturing, there was full employment, many unions were in a strong bargaining position and successfully pursued over-award payments, and there were frequent, albeit short, strikes. These conditions produced inflationary wage increases. Joe later reflected that 'no party desired such an outcome, but the absence of a self-regulating mechanism within the labour market, which would avoid excessive wage and price increases, created a self-destructive process as each group, quite rationally, pursued its own interest. What was needed in the circumstances was a mechanism that was able to take a macro view of sectional wage increases and avoid economic damage from excessive overall wage increase' (Isaac, 1989).

From Economist to Arbitrator

In 1967, the opportunity arose for Joe to participate more fully in the practice of industrial relations as an arbitrator. He was appointed by the Commonwealth government to a new part-time role on the Flight Crew Officers Industrial Tribunal. This authority was established to

reimpose arbitration on the airline pilots after they had withdrawn from the system. In Joe's words, the pilots had been 'forced into compulsory arbitration' soon after the Second World War and 'they were not very happy. They found that the judges were innocent of aviation technology and its problems. So the union resigned [from the arbitration system] and established an unregistered union outside the reach of the system and said "we'll do collective bargaining"'. Joe won the confidence of the parties earlier in 1966 when he was appointed by Sir Henry Bland, Secretary of the Department of Labour and National Service, to recommend an appropriate salary scale for airline pilots and also to act as conciliator in their dispute on rostering. He explained: 'My approach was very different from the Commission's ... We would, as far as possible, sit around the table and talk things over informally in order to establish consensus'. (Lansbury and Wright, 2013: 216).

Joe became Deputy President of the Commission in 1974, the first economist to be so appointed, after an amendment to the *Commonwealth Conciliation and Arbitration Act 1904* allowed non-lawyers to be appointed. While the Attorney-General Lionel Murphy lauded Joe as 'an eminent and well-respected figure in the industrial sphere', acclamation for the appointment was not universal. The Tasmanian Liberal Party Senator Reginald Wright challenged Joe's 'fitness' for the appointment in parliamentary question time, citing a speech in which Joe said that strikes 'were always regrettable but not always reprehensible'. This led to a fierce debate in the Senate, culminating in Senator Wright's suspension and removal from the chamber by the Usher of the Black Rod (Senate Official Hansard, 1973: 1569-1571).

Joe went on to make an important contribution by strengthening the Commission's command of economics. In his words, 'if you look at the submissions [to the Commission] from 1974 onwards ... you will find that the economic arguments are presented more cogently compared to earlier days. When economic submissions were not clear, I would press the parties to clarify their arguments ... Anticipating my intervention, their economic submissions improved greatly' (Lansbury and Wright, 2013: 216).

Serving on the Commission also changed Joe's views about its operation. He had earlier criticised the Commission for being

too legalistic and distanced from the parties. But after his appointment, Joe became aware that 'the charge of remoteness from the workshop was nonsense'. The Commission's approach for settling disputes often called for shopfloor inspections and interviews. The tribunal coming into the workplace and talking to all concerned 'was important in establishing the confidence of the parties, especially of the workers and their unions, in the tribunal' (Lansbury and Wright, 2013: 217).

The experience of serving on the Commission informed Joe's appreciation of good communication as a foundation of effective industrial relations. This came not only from dealing with the parties but also from working with his colleagues. Joe held the consensus approach of Sir John Moore as President of the Commission in especially high regard. Unanimous decisions in national wage cases were critical in retaining general confidence in the Commission. 'During national wage hearings, Moore's practice was for the bench to meet at the end of the day and talk after the proceedings. Day after day, we formed a view as to what should be done. By the end of proceedings, there was very little debate. We had already debated as we went along. Now that was very important in reaching consensus' (Lansbury and Wright, 2013: 217).

Joe's tenure at the Commission ended in 1987 when he reached the statutory retirement age. His tenure at the Commission coincided with the indexation period, which operated from 1975 to 1981, and part of the early years of the Accord between the Hawke Labor government and the ACTU, which began in 1983. Although the Accord was bipartite, it did draw in the employers through the National Economic Summit of 1983 and was as close as Australia has come to a 'social compact' between the key industrial relations parties. It also survived successive terms of Labor government until 1996. Joe's assessment of the Accord, as it had operated up to 1987, was generally positive. He had advocated such an arrangement strongly as an academic many years earlier. By giving the union movement a direct stake in shaping economic and social policy in return for helping to reconcile the sectional interests of individual unions with the national interest, the Accord was able to meet its main objectives: 'to facilitate an expansionary economic policy and a high level of employment without undue inflation and with a minimum of

industrial disruption, an object that had eluded Australian governments since the 1960s' (Isaac, 1998: 704).

Joe's views about the fundamental role that the Commission should play in industrial relations was reflected in his Richard Kirby Lecture of 1989, in which he emphasised the limitations of the tribunal's power and argued that it was a 'facilitator' rather than 'a prime mover'. Advancing 'public interest' objectives such as minimising 'adverse economic, industrial and social consequences' was the Commission's key role. But such objectives were 'not served by prescribing principles and policies, however admirable they may seem on paper, that do not work in practice, that are flouted or do not have general community support or that generate an unacceptable degree of unrest or adverse economic consequences'. Joe ultimately saw the industrial tribunals as 'a necessary condition for the system to work. But they are not a sufficient condition. They also need broad consensus and commitment of the parties to the rules of the game' (Isaac, 1989: 408, 423).

From the Commission Back to Academia

In the late 1980s, after his retirement from the Commission, Joe was influential in persuading Ralph Willis, the Minister for Employment and Industrial Relations in the Hawke government, to fund the first Australian Workplace Industrial Relations Survey (AWIRS). The findings of AWIRS highlighted the need for workplace reform, particularly to provide greater voice for workers, as a means to enhance not only efficiency but also greater equity in Australian workplaces (Callus et al, 1991). In a follow-up to AWIRS, Joe participated in a survey of small business and industrial relations. Drawing on both surveys, he focused on management's role in driving economic performance and concluded that the existing industrial relations system, particularly awards, did not create barriers to enhancing productivity. He emphasised that the opportunities for positive changes rested with the industrial relations parties themselves and their ability to utilise the facilitative role of the institutions (Isaac, 1993).

Since retiring from the Commission, Joe has continued to make a valuable contribution to the industrial relations field through his

academic writings, especially on the merits of legislative reform and the importance of regulatory design. He believes the *Industrial Relations Reform Act 1993* represented ‘a great advance’ in helping the Australian labour market to adapt in the context of an open market economy, and was the most effective of the reforms of the past two decades in terms of striking the appropriate balance between efficiency and equity. Joe is critical of the regulatory changes of the Howard government, especially the Work Choices legislation of 2005, for weakening the compulsory arbitration system and the scope for collective representation, which contravened several core ILO conventions. He is not without criticism of the *Fair Work Act 2009* introduced by the Rudd and Gillard Labor governments, believing that the highly prescriptive character of the Act greatly reduced the discretion of the tribunal in many ways, including in restricting its authority to intervene in disputes. ‘What used to happen was that as soon as a dispute was notified and industrial action was occurring or likely to occur, the Commission would call the parties together in compulsory conciliation. You would only have arbitration when no agreement was possible’ (Lansbury and Wright, 2013: 219).

Joe has made valuable contributions in relation to key issues such as flexibility, productivity and the role of unions, all of which have been central to the contentious debates on labour market regulation in recent years. The issue of labour market flexibility was the theme of a symposium initiated by Joe in honour of Keith Hancock, and subsequently a book entitled ‘Labour Market Deregulation’ (Isaac and Lansbury, 2005). Joe steered a middle course in this debate, acknowledging the need ‘to encourage greater efficiency in work methods and to promote industrial restructuring’, but warned against simplistic approaches to labour market reform. He has argued that some who call for the ‘deregulation’ of the labour market underrate the force of the notion of ‘fairness’ in the labour market, a subject on which he has also written extensively (Isaac, 2001: 111-123).

Productivity is another topic of contemporary importance which has long attracted Joe’s attention. While he once advocated a more flexible wage structure in Australia to promote greater productivity, his later writings emphasised a wider range of factors that impact productivity growth such as workforce training, the responsiveness of workplaces to new technology, the organisation

of work, managerial skills and communication between workers and managers. He contested the common assumption that enterprise and individual bargaining necessarily lead to higher productivity than more centralised systems of regulation (Isaac, 2007).

Joe also challenged attempts by policy-makers to marginalise the role of the trade unions, asserting that they have been ‘an important institution in Australian industrial relations’ and should continue to play such a role (Isaac, 2007: 427). ‘I don’t see why the unions should be kept out of workplaces when they want to recruit. I think that the unions (can) play a positive role provided you are prepared to work with them. But if you become antagonistic to unions per se, you will run into trouble. Some (like the mining companies) say that the unions have got too much power. They have got more power than they had under Work Choices, but that does not make it too much’ (Lansbury and Wright, 2013: 219).

Recognition of Joe Isaac’s Service to Industrial Relations in Australia and Internationally

Joe’s influence on industrial relations extended beyond Australia and can be witnessed in his work for international bodies such as the International Labour Organisation (ILO) and the Organisation of Economic Cooperation and Development (OECD). In 1985, he was appointed to the OECD’s Expert Committee on Labour Market Flexibility, chaired by Ralf Dahrendorf, former Director of the LSE. The Committee comprised experts from a range of advanced economies. Its report called for greater labour market efficiency as a vehicle for promoting labour market participation and helping economies to adjust to the pressures of greater international competition. But it also emphasised the importance of institutions ensuring that the outcomes of such flexibility were fair. The report’s recommendations for promoting both efficiency and equity reflected views that Joe espoused throughout his career on the objectives of labour market regulation (OECD, 1986).

In the course of his long career, which began in the early 1950s, Joe has undertaken numerous leadership roles within academia and public life. He served as President of the Economic Society of Australia in 1969. He was Foundation President of the Industrial

Relations Society of Victoria in 1964 and Patron of the Society from 1988 to 1996. He was appointed to the Royal Commission on Australian Government Administration, chaired by Dr HC Coombs, which reported in 1976. He was Deputy Chancellor of Monash University from 1980 to 1988, where he played an important role in the governance of the institution. He was made an Officer in the Order of Australia in 1989 for his long and distinguished service to industrial relations and education.

Joe is a man of generous spirit. Those who seek his advice unfailingly get considered and considerate responses. But Joe is much more than a scholar, critic and policy formulator. To all who know him, Joe is a deeply respected and loved friend, as is his wife Golda. They are a wonderful pair, bestowing their friendship and kindness on many people. The contributions to this book are testimony both to Joe's intellectual and public stature and to the example he has set to younger scholars – some represented in this book – who will inherit his rich legacy.

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