Australian government rams through parliament draconian new workplace laws

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On November 10, the Australian Liberal-National Party Coalition government rushed its 687-page workplace "reform" legislation, WorkChoices, through the lower house of parliament. Debate on the unprecedented package was cut short to just 23 hours, after a gag motion was pushed through by the government. The Labor opposition received the bulky final document, as well as another 566-page explanatory memorandum, just prior to its tabling in the parliament. Most of the Labor MPs did not have a copy, while some National Party MPs admitted they had not read it.

The far-reaching industrial relations (IR) legislation constitutes an historic assault on working people. It tears up long-standing working conditions and strips away workers' rights in order to bring about a dramatic shift in workplace relations.

While much in the final document was already broadly known, some sections are more draconian than first thought, especially those dealing with the right to strike, hiring and firing and minimum wage protection.

Not only do the new laws enshrine a lengthy and complicated process before workers can take industrial action, but also strikes in the construction industry will be essentially outlawed. Moreover, the IR reform quarantines new industrial and commercial construction projects from industrial action for a five-year period, under so called "Greenfields" work agreements. These will be made prior to the commencement of a new project. Only when they expire will workers be able to take "properly notified" industrial action, and only during the negotiation period for a new agreement.

Greenfields agreements, drawn up by the employer before hiring begins, can exclude core working conditions, including public holidays, annual leave loading, meal breaks, shift penalties, overtime rates and redundancy payments.

Significantly, while the legislation demands unions and workers give advanced notice of strikes, and requires them to apply to the Australian Electoral Commission to run a secret ballot, employers will only have to provide three days' notice before enforcing a lockout of the workforce.

Over the past period, companies have used lockouts aggressively to impose individual non-union work contracts or to force their employees to surrender working conditions during bargaining for collective agreements. According to the most recent research, in the four years to 2003, almost 200,000 days were lost due to lockouts, dwarfing the 18,700 lost between 1994-98. Between 1998 and 2001, lockouts accounted for 57 percent of all industrial disputes.

The additional restrictions on industrial action will augment the far-reaching powers that have been given to the federal workplace relations minister. These allow him to order an end to strikes and industrial action in so-called essential industries, or in cases he deems are a threat to "public welfare" or damaging to "the economy".

Employers will have an almost unrestricted right to hire and fire. The new legislation abolishes the minimal unfair dismissal laws for small employers—defined as companies with 100 or fewer staff—that is, for about two thirds of the present workforce. It gives all companies, whatever their size, the means to sack workers at will, enabling them to skirt present restrictions on dismissing staff on discriminatory grounds, such as sexual preference, race or union membership.

Under the new act, employers can sack workers for "operational reasons", i.e., for reasons of an "economic, technological, structural or similar nature relating to the employer's undertaking, establishment, service or business". Labour market specialist Professor David Preetz warned last week: "Basically it means if you [the employer] can reorganise your operations in some way that you target people you want to get rid of, put them into

an area that you're going to declare redundant, and get rid of them, then there's no recourse against you".

Despite Howard's claim that the present 10-day sick pay entitlement is "protected" under the legislation, new provisions place restrictions on workers accessing them. These provisions allow employers to demand a doctor's certificate even for a single sick-day off and to dock pay packets if workers do not comply.

Howard's "guarantee" that the new government-appointed Fair Pay Commission (FPC) will not cut the present minimum wage of $12.77 an hour will not apply to many workers. Excluded are workers under 21 as well as disabled and trainee workers, who currently number close to one million. The IR laws allow the FPC to set a "special" minimum wage for them. What this will mean can be judged by a recent comment made by Howard, to the effect that he intends to make youth and trainee wages "more competitive"—that is, to transform some of the most vulnerable sections of society into a cheap labour force.

Opposition by the Australian Labor Party and the unions to the legislation has largely been restricted to a good deal of empty theatrics. Since being spooked at the end of June by the large turnout in all the major capitals to union-sponsored demonstrations against the IR reforms, they have worked to confine opposition to the parliamentary arena and limited protests. On the opening day of the parliamentary debate on the IR laws, 11 Labor MPs were ejected from the house for continually interjecting. In reality, the performance was "full of sound and fury, signifying nothing".

While feigning concern about the impact of the new laws on ordinary working people, neither Labor nor the unions disagree with Howard and the employers on the need to slash working conditions and wages to meet the ever-escalating demand for "international competitiveness". They disagree only on the best means to do it.

Labor wants to retain the old arbitration system, a tried-and-tested mechanism for containing the struggles of the working class within the framework of the profit system, in which the role of the unions was assured. The old set-up also provided a career path for many union bureaucrats who, after a lucrative sojourn within the union apparatus, went on to become arbitration commissioners or Labor politicians.

That Labor has no fundamental difference with Howard on industrial relations was made clear by the remarks of former Labor prime minister Paul Keating, reported in last weekend's *Sydney Morning Herald*. Having condemned the Liberals as the "party of partisanship and preference" over the IR reforms, Keating went on to declare: "When Labor was in office, under the accord with the ACTU [Australian Council of Trade Unions], with all power, what did we do? We engineered a fall in real wages and a rise in profits for the national good."

Business Council of Australia president Michael Chaney tacitly acknowledged this week that Labor's time in office, from 1983 to 1996, laid the foundations for the Howard government's present assault. Urging support for the new laws, he declared that the present "reforms" were merely a continuation of a "necessary process" begun 20 years ago.

Labor and the unions provide another vital service to the Howard government. They work to give it an aura of invincibility. Labor leader Kim Beazley never misses an opportunity to insist that the government's control of both houses of parliament means that the passing of industrial relations legislation, along with a raft of other regressive "reforms", is now "inevitable". Beazley claims that workers can do little else, other than engage in limited protests and await the next federal election, when they should vote for Labor.

The truth, however, is that the Howard government lacks any broad constituency. Its pro-market agenda and its ferocious assault on democratic rights is producing ever-widening popular resentment and anger. The Coalition parties themselves are wracked by tensions and divisions, and there are concerns among the ruling elite that the situation could well explode. Referring to the danger involved in rushing the IR legislation through parliament, the *Australian's* Glen Milne warned on November 7, "Despite being omnipotent in both houses, one sniffs weakness here, not strength."

Howard's only strength is that he can rely on Labor, the unions and the minor parties—the Democrats and Greens—to keep the working class in check. For its part, the working class can only defend its jobs, wages, working conditions and fundamental rights by developing a new political movement entirely independent of the official political framework, aimed at challenging the very foundations of the profit system itself.