

Australia: Unions embrace Labor's anti-working class industrial relations laws

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2 May 2007

Without any debate, the 400 delegates at the Australian Labor Party's national conference in Sydney last weekend unanimously endorsed a new industrial relations (IR) policy containing provisions that are, in essence, as regressive as the Howard government's WorkChoices laws.

Labor's IR proposals were introduced by new Labor leader Kevin Rudd and his deputy Julia Gillard, who is also shadow industrial relations minister. None of the many union officials present raised a murmur of opposition, signalling their willingness to act as the enforcers for the proposed legislation.

The title of the policy—*Forward with Fairness*—is a fraud. Like Howard, a Rudd government intends to straightjacket the working class and boost profits for business. To this end, *Forward with Fairness* openly declares: "A critical component of this next vital reform project must be a new industrial relations system based on driving productivity in our private sector".

There is nothing fair about Labor's proposals, which incorporate the same anti-strike measures as WorkChoices. The "reforms" would outlaw all strike action other than during the limited negotiating period for a new enterprise agreement. Even then, industrial action would have to be endorsed by a "mandatory" secret ballot.

Workers would be forced into a long-drawn out process, conducted by the electoral office and then forced to wait for the results of the ballot before striking. Companies, on the other hand, would be free to act swiftly against striking workers. As the proposal states: "Employers may take protected industrial action, including locking out employees, in response to industrial action."

Under Labor's laws, workers who attended rallies during working hours to protest over social or political issues—as many thousands did during the past 12 months to oppose WorkChoices—would face disciplinary and legal action.

Presently, workers who engage in "unprotected" industrial action—that is any action outside the legally "allowable" period—face hefty individual fines and jail terms if they refuse to pay. Prior to the Labor conference, Rudd made

clear he would enforce similar measures. Speaking at the National Press Club in Canberra, he said that strikes would "only be protected from legal penalty if it is authorised ... through a secret ballot."

To maximise pressures on workers against striking, Labor's legislation would also outlaw the seeking of "strike pay".

Labor is proposing a new entity known as "Fair Work Australia" to replace three bodies created under WorkChoices: the misnamed Fair Pay Commission, the Office of the Employment Advocate, and the Office of Workforce Services.

Among other things, Fair Work Australia would be empowered to suppress industrial action at any time, including during a stipulated bargaining period, and to impose a settlement on a dispute.

Rudd and Gillard presented Fair Work Australia as an "independent umpire". However, Labor, desperate to ensure the ongoing support of big business, would staff the new body with hand-picked individuals acceptable to the corporate elite.

Labor's new laws would restrict the number of protected conditions for mandatory inclusion in enterprise agreements to just ten—an increase from the five currently allowed under WorkChoices. These are a federal minimum wage rate, a 38-hour working week, four weeks annual leave, ten days personal-carer leave plus two days compassionate leave and 52 weeks unpaid paternal leave.

Labor would include payment for community service leave such as jury service, eight national public holidays, an employer obligation to inform new employees on entitlements (including the right to join a union), notice of termination determined by years of service, and long service leave. The current arrangements for long service leave would remain until a defined national standard is agreed.

The unions have hailed the expansion of protected conditions as a great gain. However, Rudd's list does not even return to Howard's 1999 second-wave Workplace Relations legislation, which slashed the number of protected

award conditions to 20.

Significantly, many of the same union bureaucrats who rushed to support Rudd's IR changes at the federal conference last weekend, condemned the provisions of Howard's second-wave laws in 1999. At the same time, they refused to mount any struggle against the Workplace Relations legislation, opening the door for imposition of WorkChoices last year.

Labor's legislation on unfair dismissal would not be quite as stringent as Howard's, but it would still prevent tens of thousands of workers from making unfair dismissal claims. Under *Forward with Fairness*, workers at companies employing up to 15 workers would not be able to make a claim until they had completed 12 months service. Those in larger companies would have to complete six months.

Labor would exclude the use of lawyers in unfair dismissal cases. Without legal assistance, many workers would be deterred from making a claim. At the same time, the final ruling would be made by Fair Work Australia—Rudd's misnamed "independent umpire".

The unions have thrown their weight behind Labor's IR plan because it protects their traditional role as primary bargaining agencies and as industrial policemen for enforcing employers' demands.

Rudd announced that a Labor government would dispense with the present Australian Workplace Agreements (AWAs), declaring "there will be no place for statutory individual contracts... collective [that is, union-negotiated] agreements will be at the heart of Labor's industrial relations system".

At the same time, *Forward with Fairness* demonstrates that Labor's primary concern is meeting the demands of big business for increased productivity and "labour flexibility". At one point, the document promises that "to provide flexibility, collective agreements will not need to comply with every condition in the relevant award".

The unanimous endorsement of the plan at the Labor conference signalled to big business that the unions will collaborate fully in imposing corporate demands and will not hesitate to support legal action against "illegal", wildcat strikes.

Prior to the vote, a *World Socialist Web Site* reporter asked Australian Manufacturing Workers Union national secretary Doug Cameron why he had "rolled over" so quickly. Cameron, who is habitually referred to as a "left" in the media, dropped his mild criticisms of the proposals before the conference after being publicly rebuked by Rudd.

Clearly annoyed at being put on the spot, Cameron had no comeback other than to crudely reply: "Why don't you just f..k off." The response reveals just how sensitive the union bureaucrats are to any exposure of their role and just how vicious they will be in dealing with workers who dare to

question them.

Despite its efforts to accommodate all the demands of big business, Labor has quickly come under fire in the media for not going far enough. Sections of the corporate elite want to retain individual contracts and are dissatisfied with the new "bureaucratic" arrangements, particularly in relation to unfair dismissals.

An editorial in Murdoch's *Australian* on Monday plan declared: "It [Labor's IR plan] represents a return to the classic class warfare of the last century which pitted workers against employers and forced the two parties to negotiate via unionised central bargaining".

The newspaper's editor-at-large Paul Kelly added: "At this point Labor loses the goodwill of big business, the hope of winning small business and the dream that it stands for entrepreneurship."

These statements are nonsense as anyone familiar with the record of Labor and unions over the past two decades. In the 1980s, the Hawke and Keating Labor governments, with the backing of the Australian Council of Trade Unions, initiated the never-ending onslaught on the jobs, conditions and rights of workers that Howard continued after coming to power in 1996.

Only days before Labor's federal conference, Rudd met with Murdoch in New York where he undoubtedly discussed the IR plan, among other policies, with the media mogul. Murdoch, who has been grooming Rudd as an alternative prime minister, is well aware that all Labor's prattling about "fairness" has nothing to do with "class war" against business.

The *Australian's* dressing down of Labor over its IR legislation is part of the moulding process to fashion a Labor leadership prepared to impose the next stage of market restructuring demanded by business, including tougher labour laws, regardless of any popular opposition.

At the Labor conference, Rudd, Gillard and the rest of the Labor team bent over backwards to prove to the powers-that-be that there is no line they would not cross in their rush for office. There is little doubt that Labor and unions leaders will rapidly move to modify their IR plan to accommodate business criticisms.



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