

Australian Labor leaders shift closer to Howard's IR laws

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Labor leader Kevin Rudd and his shadow industrial relations minister Julia Gillard are moving with breakneck speed to fashion an industrial relations (IR) policy that will satisfy the demands of the corporate and media establishment.

Hardly a week goes by without the pair announcing yet another major shift towards an IR regime virtually identical to that imposed under the Howard government's draconian WorkChoices legislation.

Just last week Gillard announced that Labor would retain key provisions of WorkChoices that severely restrict the right of unions to enter workplaces. Under a Rudd Labor government, union officials will still have to apply to the Australian Industrial Relations Commission for an entry permit and then give 24-hours notice to the employer before visiting any worksite.

Officials will also need to prove there exist "reasonable grounds" to believe that breaches of the law may be occurring. They will only be allowed to investigate alleged breaches if there are union members employed on site, while the time and place of any union meetings will be determined by the employer.

Announcing the changes on June 25, Gillard made no bones about where Labor's priorities lay. "When you look at the current system (WorkChoices)," she declared, "obviously it's got permits, it's got limitation on entry, it's got limits that you would expect about the disruption to work—obviously not having entry in a way which causes disruption to work.

"We would not want to see changes to the right of entry systems that jeopardise work performance," Gillard continued. "There's obviously a balance here, and current legislation recognises that balance in some ways...."

None of the provisions of WorkChoices is about "balance". The laws are specifically designed to strengthen the hand of employers to attack working conditions while imposing restrictions—including a battery of stringent anti-strike laws—on workers' ability to mount resistance.

By adopting Howard's anti-entry provisions and other

sections of WorkChoices, Rudd and Gillard are seeking the backing of business before federal elections due later this year. Significantly, their shift on the right-of-entry came in the wake of a relentless union bashing campaign by the media and employer groups.

This campaign, bordering on hysteria, has been led by the Murdoch press. For weeks its newspapers, both the *Australian* and Sydney's *Daily Telegraph*, have sensationalised the most minor incidents, such as union officials swearing at employers, claiming these amount to evidence of widespread "union thuggery". The "exposures", gained by secret recordings, have been accompanied by a string of articles attacking Rudd and Gillard as captives to the unions.

Rudd's response was immediate. First he forced Electrical Trade Union Victorian state secretary Dean Mighell to resign from the Labor Party for telling a closed membership meeting that he had extracted minor pay concessions from employers by threatening strike action. Then he moved for the expulsion of Construction Forestry Mining and Energy Union official Joe McDonald after the airing of a video tape showing McDonald pushing past an employer at a worksite and using bad language.

An outraged Gillard immediately proclaimed the incident to be "unacceptable conduct" and declared, "under our leadership of the Labor Party there will be zero tolerance for unlawful conduct, for thuggery, in Australian workplaces... We will crack down on it whenever we can."

While television news broadcast footage of McDonald's outburst, they omitted any reference to the context: appalling safety breaches on a Perth construction site, which two weeks later caused a collapse of concrete panels on the site's 16th floor. Fifty construction workers, as well as pedestrians, were exposed to death or serious injury.

The threats of a crackdown on "thuggery", of course, are not motivated by the empty theatrics of union officials, who have willingly collaborated with employers in attacking workers' conditions over the past decade and more. In April this year, the assembled union bureaucrats, including

Mighell, voted unanimously at Labor's national conference to support Rudd's anti-worker IR platform containing anti-strike provisions identical to those in WorkChoices.

The threats and head rolling are designed to telegraph to the powers-that-be that Labor will deal ruthlessly with any genuine opposition by workers to the pro-market agenda being demanded by business. Such opposition, including strike action, will be deemed "unacceptable" and "thuggery" and, of course, "zero tolerance" will apply.

Gillard told a Melbourne Press Club gathering on June 25 that she was prepared to better an earlier pledge to retain until 2010 the Australian Building and Construction Commission (ABCC)—the industry policeman set up by Howard—saying she was considering arming Labor's proposed replacement, the industrial inspectorate, with the same coercive powers.

"We haven't excluded any current power that the ABCC has got. We are still in consultation with industry about whether they seek the full gamut of those powers to come forward. We don't bring any predisposition towards it." Using the "full gamut" of its powers, the ABCC has carried out a series of vicious attacks on construction workers, including charges for striking that carry massive individual fines and the threat of jail terms.

Having refashioned Labor's IR platform to its liking, the corporate and media establishment is now demanding Rudd and Gillard go further, including dumping any suggestion they will abolish Australian Workplace Agreements (AWAs). These are statutory non-union individual work contracts enshrined in WorkChoices that allow employers to dismantle a raft of long-standing working conditions—including penalty rates and shift allowances.

The July 27 editorial in Murdoch's *Australian* gave Rudd and Gillard a pat on the head for their performance to date and then laid out what was now expected of them. "Fine tuning of Labor's IR plans to preserve limits on the access of trade unions to the workplace is to be encouraged," the editorial declared. "Together with progress on rooting out extreme elements from within the union movement, a pledge not to abolish immediately the building industry corruption watchdog and the rejection of a backdoor push for compulsory union membership [compulsory union bargaining fees levied on non-union members], the ALP is showing signs that it has finally recognised the electoral albatross around its neck.

"It is early days, however, and much more detail is needed for confidence that, if elected, a Rudd Labor government would be able to operate free of undue interference." In other words Rudd and Gillard must be prepared to ride roughshod over popular sentiment against further attacks on working conditions and workers' rights. (Not unexpectedly,

the Murdoch media does not consider its vitriolic campaigns, editorials and scaremongering constitute "undue interference".)

The editorial also praised Gillard for ruling out "preference agreements that would allow positive discrimination on the basis of union membership" but insists she make clear that Labor will not allow industry-wide pattern bargaining—that is, that it will continue to strictly enforce enterprise bargaining. This was introduced under the previous Labor government and it serves to divide workers by forcing them to negotiate separately, on an enterprise by enterprise basis. The editorial ends by declaring "The elephant in Labor's IR room, however, remains Ms Gillard's pledge to scrap AWAs."

To date Rudd and Gillard have held off openly declaring Labor will retain AWAs. They recognise the importance of continuing to tap into the widespread popular hostility to WorkChoices, while at the same time placating the unions in order to ensure funding for their election campaign. The union bureaucracy opposes the non-union agreements, not because they attack working conditions, but because they undermine the unions' role as the principal labour bargaining agencies and cut them out of the industrial relations loop.

Even so, Rudd has again signalled he is working overtime to accommodate big business demands. Last week he publicly attacked right-wing NSW Labor Council secretary John Robertson after Robertson told a public meeting that the unions would "pull on" Labor if it won office and did not keep its commitment to abolish AWAs.

Robertson's statement was first and foremost an attempt to divert growing anger among workers over Labor's ongoing shifts on IR. Earlier the official told the meeting that while Labor might do a "few more backflips," union members "should focus their anger and frustration on the government, not on Rudd".

This did not stop Rudd letting loose a torrent of invective, branding Robertson to the media as a "bully boy" who should "pull his head in" and "take a cold shower". The *Australian* greeted the diatribe with an editorial on July 3 headlined: "Argy Bargy sets scene for Rudd IR backflip". It went on to demand that Rudd immediately clarify his position on AWAs.



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