Australia: Rudd tries to fudge Labor's agreement with WorkChoices

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Last week, Labor leader Kevin Rudd told the media that a Labor government would "rip up" the Howard government's hated industrial relations laws, WorkChoices. His statement came immediately after Prime Minister John Howard announced the federal election would be held on November 24.

Rudd hopes his sleight-of-hand will go some way to shoring up rapidly collapsing illusions that Labor offers an alternative to Howard's industrial relations laws. Over the last months, it has become increasingly clear that if Labor does "rip up" the WorkChoices laws, it will only be to replace them with equally savage ones.

Rudd's statement came only weeks after he and assistant leader Julia Gillard unveiled a new modified version of Labor's IR platform *Forward with Fairness.* The modifications were the result of months of so-called "fine tuning" and closed-door consultation with employer groups and mining companies. They demolish any last vestige of difference with Howard's laws.

The result was hailed by Murdoch's *Australian*, which declared that Rudd had "done well in preserving business safeguards and individual contracts for the high-paid". Just this week, an editorial in the *Australian Financial Review*, proclaimed "in many ways Rudd's Labor promises to be a better Howard government," then declared: "Labor has now adopted many of the WorkChoices initiatives it previously opposed."

In line with employer demands, Labor's modified platform now commits it to maintaining Australian Workplace Agreements (AWAs) until December 31, 2012, thereby jettisoning the much-published earlier pledge that a Labor government would "rip up" all such agreements.

AWAs are individual work agreements at the centre of WorkChoices. They allow employers to dismantle a raft of long-standing working conditions such a penalty rates, shift allowances and holiday-leave loading.

Rudd argues that it is not possible to abolish the agreements because employers "acted in good faith"—that is, they acted within the law. The truth is, thousands of profit-hungry employers, "acting in good faith", rushed to use the laws within months of their introduction to brow-beat workers and impose agreements that dismantled conditions.

Rudd's modified IR platform will not only leave thousands of workers trapped on AWAs. It also establishes Individual Transitional Employment Agreements, short-term individual work agreements, until December 2009, giving employers another two years to further claw back conditions.

As for the remaining features of the Howard government's IR laws and its broader workplace relations regime, these had already been embraced by Rudd and Gillard either in the same, or a slightly modified, form since Labor's original *Forward with Fairness* platform was endorsed at the party's national conference held at the end of April this year.

That platform, supported by the entire delegation of well-heeled trade union bureaucrats, contained the very same anti-strike provisions as WorkChoices. These outlaw strike action other than during the limited negotiating period for a new enterprise agreement, and even then impose "mandatory" secret ballots before a strike can take place.

Labor's modified document also stipulates that a Labor government would crack down on "unauthorised" strike action, secondary boycotts and pattern or industry-wide wage contract bargaining. In other words, any attempt by working people to take industrial action over pressing issues, such as the Iraq war, or in support of other workers, or to defend conditions or basic rights in collaboration with other workers, will be ruthlessly suppressed.

Like Howard's, Labor's IR laws also vastly strengthen the employers' ability to arbitrarily sack workers by imposing even tougher restrictions on the right to challenge unfair dismissals. Under Labor's plan, workers at companies employing up to 15 workers would not be eligible to make unfair dismissal claims until they had completed 12 months service. Those in larger companies would have to complete six months. Labor will also abolish legal assistance for workers fighting unfair dismissal cases.

Further, under Labor's modified IR platform, employers will be able to make staff redundant without making redundancy payments, whatever the length of employment, if they can demonstrate that the business has suffered a downturn, or has a reduced need for staff due to the introduction of new technology.

Labor will retain WorkChoices' restrictions on union

organisers entering worksites, including a mandatory 24-hours notice of entry to management and a requirement for officially authorised "right of entry" permits. Also retained until 2010 is Howard's notorious Australian Building and Construction Commission (ABCC), with its far-reaching coercive powers to enforce anti-strike and other punitive measures in the building industry. After that, the ABCC will be replaced by a specialist division of Fair Work Australia and the same anti-democratic measures will apply.

Labor's shift on IR is no aberration. Nor was it undertaken simply to gain big business support for it electoral ambitions. Labor totally supports the program of labour market deregulation embodied in WorkChoices. Had it won office in 1996, instead of the Liberals, the same type of legislation would now be in place.

Howard's industrial relations "reforms" are the logical trajectory of the pro-market program carried through by the Hawke-Keating Labor governments from 1983 to 1996. Under the impact of globalisation and the collapse of national regulation, the Labor Party completely abandoned its old program of social reform. Under the "Accord" with the Australian Council of Trade Unions (ACTU), Labor became the chief instrument for effecting an unprecedented attack on wages, jobs, working conditions and social services, on behalf of corporate Australia.

From 1983 onwards, wages were suppressed, long-standing work practices dismantled and thousands of jobs destroyed in every industry. In 1986, Labor introduced a two-tier wage system, tying paltry pay increases to the trading-off of hard-won conditions. Trade-offs remain the norm today in both union and non-union enterprise agreements.

By 1988, wages were tied to a program of so-called "award restructuring" that had been enshrined in the "Australia Reconstructed" platform adopted at the ACTU Congress in 1987. Award restructuring became the blueprint for an all-out assault on pay and working conditions.

In 1993, again with support of the unions, Labor introduced "enterprise bargaining", a mechanism to force workers to bargain for pay and conditions on an enterprise-by-enterprise basis. This not only ended what was left of industry-wide and national-based award struggles, but created the conditions where workers from various enterprises could be harnessed behind their "own" employer and pitted against their brothers and sisters in other workplaces, industries and countries, in the endless drive for "international competitiveness". Through Enterprise Bargaining Agreements, unions agreed to increased working hours, around-the-clock working and nightmare shifts.

Enterprise bargaining remains a key component of today's industrial relations regime—underscoring the fact that it was Labor's "reforms" that laid the basis for the Howard government's deepening assault on workers' conditions.

Importantly, Labor's industrial innovations were accompanied by a drive to discipline the working class. This included union busting, strike breaking and the victimisation of the most militant sections of workers aimed at breaking all resistance to the new regime. This created the conditions for Howard to come to power and continue where Labor had left off.

Despite Rudd's openly anti-working class IR policies, the ACTU and its affiliates continue to campaign for the election of a Labor government.

Speaking to the media following a mass anti-WorkChoices rally in Melbourne last month, the ACTU's new secretary Jeff Lawrence declared "the fundamental choice we have to focus on (in the federal elections) is the difference between WorkChoices and the alternative"—i.e., Labor's IR policy.

Significantly, while Lawrence and the other union officials repeatedly told the rally "Howard must go" they meticulously avoided mentioning Labor's just-modified *Forward with Fairness*.

The complete absence of any serious criticism by the unions of Labor's shift on IR makes clear that their "anti-WorkChoices" campaign has nothing to do with defending workers' conditions. It is about ensuring their own future role in enforcing Labor's regime, should Rudd win office.

The workers' movement cannot be revived by pressuring any section of the union bureaucracy to fight. Over the past 25 years, the program of national reformism has been shattered by the global integration of all aspects of production. The unions have become the main instruments in imposing the employers' demands for ever-greater levels of productivity and the unashamed promoters of national chauvinism to divide the working class.

Whoever wins government on November 24, Liberal or Labor, the attacks on the conditions and rights of workers will only deepen. To defend their interests, working people must make a decisive break with Labor and the unions and turn to building a mass political party based on an international socialist perspective. The first step in this struggle is to support the Socialist Equality Party's election campaign, and in this way, help in taking its program to ever-broader sections of the working class.

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