

# Australia: Labor's Julia Gillard threatens legal action against strikes

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Minister for Industrial Relations Julia Gillard has reiterated the new Labor government's attitude to industrial action taken by any section of workers to defend their wages and conditions. It will act ruthlessly to back the employers and to defend corporate interests.

Last week, Gillard repeated that industry-wide strikes would be "unlawful under Labor's policy and employers will have quick and effective legal remedies", adding that "under Labor's laws the courts will come down like a tonne of bricks on anyone engaged in illegal industrial activity".

Gillard was restating an earlier commitment she made to big business just two months before Labor won office in the November federal election last year. At that time she declared on ABC-TV's "Lateline" that a Labor government would crush "unlawful" strikes and would be prepared to engage in "strike-breaking".

The ABC interview came after months of closed-door consultations with major business groups and mining companies that led to Labor's reshaping of its industrial relations policies.

Gillard latest threat followed hot on the heels of media reports last week that the Construction Forestry Mining and Electrical Union (CFMEU) was preparing a national campaign to recover wages and working conditions ripped away by construction companies under the previous Howard government's draconian industrial relations regime.

The CFMEU's NSW secretary Andrew Ferguson told the *Sydney Morning Herald* that the union would campaign to "restore wage levels over the next two years," and that there "will be some circumstances where there might be strike activity."

Gillard did not hesitate to issue her threats, even though the media reports of widespread industrial action were an obvious beat-up. Ferguson's statement

was nothing more than empty posturing, aimed at placating the widespread sentiment among construction workers that the electoral defeat of the Howard government should signal an offensive to make up lost ground.

Ferguson hopes that his reference to a union-sponsored industrial campaign will be sufficient to head off an outbreak of spontaneous industrial action by construction workers that could get out of the control of the union bureaucracy.

Within hours of Gillard's threat, CFMEU officials rushed to assure her—and the employers—that claims of "impending widespread industrial action" were "ridiculous". "There are no threats, there are no ultimatums," Ferguson told Sky News.

To reinforce the point, Ferguson went on to explain that negotiations were already in progress for some of the 2,000 enterprise work agreements due to expire in the early months of this year. He emphasised that there were "no excessive wage claims, no mass strike action" and it was "simply business as usual".

"Business as usual" means that the CFMEU intends to remain entirely within the framework of the current industrial relations laws, which enforce enterprise by enterprise bargaining for new work contracts and illegalise industry-wide campaigns for wages and conditions.

The statement is also a pledge that the union will not defy the Rudd government's anti-strike laws, which are essentially the same as Howard's. Labor's IR platform, *Forward with Fairness* outlaws strikes and industrial action outside the extremely narrow confines of the bargaining period for a new enterprise work agreement. It also requires a secret ballot before any strike.

The laws also proscribe any combined industrial

action by workers across different industries, or even within the same company, if they are covered by different enterprise agreements. Solidarity strikes, of course, remain illegal.

The CFMEU delegation at Labor's national conference in April last year unanimously endorsed the party's anti-strike laws. Having done so, the union will now enforce them against any challenge by its own members. Whatever disputes arise, the union will ensure they are isolated to single enterprises, allowing employers to pick off workers' struggles one by one.

It is also significant that neither Ferguson nor any other CFMEU official has proposed any political or industrial campaign against Gillard's renewed threat that Labor would back the Australian Building Construction Commission (ABCC) using its punitive powers to deal with strikes. "The Australian Building and Construction Commission is there to make sure the rules are adhered to and there will always be a strong cop on the beat in the building industry under Labor," Gillard declared.

The ABCC is the building industry attack dog introduced by the Howard government. It is armed with extraordinary powers that allow it to charge and prosecute unions and workers for so-called "illegal" strikes and industrial action. If the ABCC is successful, workers can be fined tens of thousands of dollars.

The Commission also has other powers that, in some respects, outstrip those of the police and equal those of anti-terrorism bodies such as ASIO. Its powers include the right to question people with or without a lawyer present. Those interviewed do not have the right to remain silent, or to reveal the contents of the questioning, and they risk up to six months in jail if they refuse to comply. That Labor intends to retain the ABCC until 2010—with all its powers intact—is testimony to its contempt for the rights of construction workers in particular, and to democratic rights in general.

The ABCC has already wielded its powers mercilessly. On December 20, just a short time before Gillard threatened the CFMEU, it successfully prosecuted 90 workers in the Federal Court for striking in February last year over the victimisation of a shop steward on the Perth to Mandurah rail project. The workers were fined up to \$10,000 each and were ordered to pay one third of the fines within 45 days.

Given the CFMEU's prostration before Gillard's threats, it is little wonder that the major construction companies feel they have nothing to worry about. Master Builders Association (MBA) chief Wilhelm Harnisch warned against "a wages breakout" but then went on to declare: "At this stage, I think it is sabre-rattling from the CFMEU".

Harnisch said that the employers' main concern was that there had been "no talk of productivity-based increases" during enterprise bargaining negotiations and declared that pay rises would "add up to 7 percent to the cost of big projects".

Following Harnisch's statement, it can be predicted with a good degree of certainty that the employers' demand for productivity trade-offs will be taken up by the CFMEU as an essential component of all future enterprise bargaining negotiations.

This is certainly Labor's perspective. "We're also committed to increasing productivity," Gillard declared in her December "strong cop on the beat" speech. "We [the Labor government] know that the productivity performance of this nation has been a woeful one. We want to lift productivity because today's productivity gains are tomorrow's prosperity. Consequently, our workplace relations policy is all about productivity at the enterprise level."



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