

Australia: West Gate Bridge construction workers charged with criminal offences

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Twelve construction workers have been charged with serious criminal offences relating to industrial action and picketing in April at Melbourne's West Gate Bridge project.

The charges include reckless conduct likely to cause injury (with a potential penalty of up to five years imprisonment), various assault indictments including with a weapon (three years imprisonment), and dangerous driving (two years). The case comes to court next Monday, though no pleas will be entered. A six to eight week bargaining process will likely follow.

Rob Stary, the lawyer representing the workers, told the *World Socialist Web Site* that the charges were "politically driven" by the state and federal Labor governments of Premier John Brumby and Prime Minister Kevin Rudd, and represented a "scandalous" use of the criminal legal system in an industrial dispute.

The origins of the case lie in the struggle waged by 39 West Gate Bridge workers and their supporters in defence of their jobs. The workers were sacked on February 27 after construction company John Holland refused to recognise a wage deal, struck by labour hire subcontractor Civil Pacific Services, to pay the workers \$37 an hour. John Holland insisted on maintaining the agreement it had previously negotiated with the Australian Workers Union (AWU), involving wages that were nearly \$10 an hour lower. John Holland also wanted to keep out the Construction, Forestry Mining and Energy Union (CFMEU) and the Australian Manufacturing and Workers Union (AMWU), which covered the 39 workers.

After the workers defied a Federal Court injunction ordering an end to industrial action, John Holland made an unprecedented \$50 million damages claim that threatened to bankrupt the CFMEU and AMWU. At the same time, the police were sent in. The first show of force took place on

April 15, with about 200 cops, including some on horseback, deployed to escort over the picket line non-union workers hired by John Holland as scab labour. In another provocation, riot police were deployed on April 29 to confront hundreds of construction workers who downed tools on several sites in central Melbourne to show their support for the sacked West Gate workers.

These measures were directed by the state Labor government. The *Business Spectator's* Robert Gottliebsen described a conversation he had with Victorian Police Commissioner Simon Overland on April 21: "Overland said that the government had encouraged him to use whatever was required to keep order and that he believed the large amount of police used encouraged the parties to negotiate. He said that if no agreement came out of negotiations then the police would again divert whatever resources were required to restore order. If that turned out to be a substantial amount then so be it."

The CFMEU and AMWU bureaucracies needed little encouragement to stitch up a rotten deal with John Holland at the expense of the workers involved. On April 30 the picketing action was called off and by May 17 a secret deal was finalised. John Holland dropped its multi-million dollar damages claim, re-employed some of the sacked workers, and agreed to shared CFMEU, AMWU, and AWU coverage of the West Gate Bridge site, and in return the unions agreed not to "threaten, organise, encourage, procure or engage in any industrial action". If the unions' no-strike pledge is breached, they have agreed to pay up to a combined \$650,000 to charity.

As the WSWs has noted: "The settlement imposed at the West Gate Bridge site demonstrates once again that the agenda of the unions has nothing to do with defending workers' hard-won conditions or rights. On the contrary, it is aimed at sabotaging and suppressing any attempt by workers to fight employer attacks.... For the CFMEU and the

AMWU bureaucrats, scrambling to ensure their continuing control and influence in the industry, the Westgate Bridge dispute became a means of demonstrating to Holland, other employers and the state and federal Labor governments, their reliability as the most ruthless industrial policemen” (see “Construction unions’ Westgate Bridge deal sets dangerous new benchmark”).

The West Gate agreement has left the dozen workers on criminal charges out to dry. According to the *Workplace Express* web site, ten of the men were refused re-employment and instead offered a \$10,000 severance payment. Neither the CFMEU nor the AMWU have initiated any public campaign against the victimisation of their members.

The various charges relate to an alleged incident in early April, in which a group of workers pursued what one media report described as an “ex-army troop carrier” that was being used to move John Holland’s scab labour onto the West Gate site. In a slanderous article published in the *Business Spectator* on April 6, Ken Phillips, the executive director of Independent Contractors of Australia, claimed that the workers were wearing balaclavas. In reality, the only people wearing balaclavas were the scabs who were seeking to conceal their identities as they crossed the picket.

Deputy Prime Minister Julia Gillard nevertheless repeated the false allegations during her address to the Australian Council of Trade Unions (ACTU) on June 3. The government, she declared, would not tolerate “dangerous car chases across Melbourne city involving carloads of balaclava-wearing people, criminal damage to vehicles resulting in arrests, threats of physical violence and the intimidation of individuals including damage to a private residence ... balaclavas, violence and intimidation must be unreservedly condemned as wrong by every unionist, every ALP member, every decent Australian.”

Rob Stary responded on behalf of his clients by taking Gillard to court for contempt. He told the Melbourne Magistrates Court on June 5: “They [i.e., Gillard’s remarks] are designed to further a political agenda. The comments can only prejudice our clients’ rights to a fair trial.... It cannot be the case that simply because a person holds high office in this country, that they have carte blanche to make such comments that affect the administration of justice in this state.”

Stary urged the sitting magistrate to either suppress the proceedings against his clients, charge Gillard with contempt

of court, or refer her for investigation to the Director of Public Prosecutions. The court, however, agreed with the prosecution’s argument that because Gillard did not name anyone, her speech did not amount to contempt.

The political purpose of Gillard’s inflammatory statement at the ACTU conference was to portray any resistance by the working class in defence of jobs and conditions—including previously standard forms of industrial action such as picketing—as illegitimate and even criminal.

Building workers are at the forefront of the Rudd government’s offensive against the wages and conditions of the working class as the world economic crisis deepens. That is why Labor is retaining all the essential features of the former Howard government’s anti-democratic Australian Building and Construction Commission (ABCC). The ABCC is pursuing its own case regarding the West Gate Bridge dispute, with the *Age* reporting that the issue is due to be heard in the Federal Court in March 2010.

The government has emphasised the centrality of the construction industry to its agenda for a new wave of pro-business economic reform.

Additional public funds were assigned in the last budget for Public Private Partnership infrastructure projects primarily targeted at transport bottlenecks, which business blamed for slowing the export of mineral commodities during the mining boom. In a speech to parliament on June 17, Gillard noted that the government’s so-called Nation Building and Jobs Plan would see 35,000 construction sites around Australia. She stressed: “While we can design these nation building initiatives, our capacity to deliver on them is dependent on having a safe, productive and harmonious construction industry.”

Or, to put it more directly, the government’s capacity to deliver for big business depends on smashing up any independent and militant industrial action by construction workers, like the struggle that took place at the West Gate Bridge.



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