

Australia: Court hears criminal charges against West Gate Bridge construction workers

Patrick O'Connor
15 July 2009

On July 6 the Melbourne Magistrates Court heard a series of serious criminal charges, relating to industrial action held at the West Gate Bridge project, laid against twelve construction workers. No pleas were entered during the brief court action, which adjourned and extended bail until August 19.

The workers are charged with offences including reckless conduct likely to cause injury, assault with a weapon, and dangerous driving, each of which involve maximum penalties of years in prison. Rob Stary, the lawyer representing the workers, earlier told the *World Socialist Web Site* that the charges were “politically driven” by the Victorian and federal Labor governments, and represented a “scandalous” use of the criminal legal system in an industrial dispute.

The case has been seized upon by the Rudd government to advance its attacks on the wages, conditions, and democratic rights of workers in the construction industry. Deputy Prime Minister Julia Gillard provocatively raised the West Gate Bridge dispute in her address to the Australian Council of Trade Unions (ACTU) on June 3, when she alleged that “balaclava-wearing” workers had engaged in violence, threats, and criminal damage. Rob Stary responded to the slanderous remarks by accusing Gillard of sabotaging his clients’ right to a fair trial.

The criminal charges relate to an alleged incident in early April, when a group of sacked West Gate Bridge workers are alleged to have pursued a vehicle transporting scab labour hired by construction company John Holland onto the building site. What exactly took place is yet to be determined, but at least one aspect of the media-government campaign against the twelve charged men has been exposed: it was the non-union employees who were wearing

balaclavas, not the sacked workers.

The alleged clash occurred amid a bitter industrial dispute following John Holland’s sacking of 39 workers on February 27. The construction workers were covered by the Construction, Forestry Mining and Energy Union (CFMEU) and the Australian Manufacturing and Workers Union (AMWU) and had been hired by a labour hire subcontractor who had agreed to wages nearly \$10 an hour higher than those John Holland had negotiated with the Australian Workers Union (AWU), which covered the other workers on the site. Holland also wanted to maintain its cosy relationship with the AWU by excluding the other unions.

The dispute culminated on April 29 in a major confrontation between hundreds of police, including riot officers and cops on horseback, and large contingents of construction workers from sites throughout central Melbourne who had downed tools to show their support at the picket line.

The very next day, however, the CFMEU and AMWU shut down the picket and entered negotiations with John Holland. A fortnight later a secret deal was stitched up. The terms were later leaked to the media—John Holland dropped its multi-million dollar damages claim which threatened to bankrupt the two unions, re-employed some of the sacked workers, issued severance pay to the others and agreed to shared CFMEU, AMWU, and AWU coverage of the West Gate Bridge site. In return the unions issued the extraordinary guarantee not to “threaten, organise, encourage, procure or engage in any industrial action”, and promised to pay up to \$650,000 to charity if their no-strike pledge was breached.

The West Gate Bridge struggle represented a principled and determined defence of jobs and conditions by the

workers involved. But for the unions it was nothing more than an internecine turf war, with the CFMEU and AMWU determined, above all, to demonstrate their credentials to John Holland, other employers, and the state and federal Labor governments as willing—and ruthless—industrial policemen.

The West Gate Bridge agreement has set a dangerous new benchmark, which will be used throughout the construction industry to drive down wages and conditions and further criminalise industrial action.

Moreover, as the WSWS has noted: “The West Gate agreement has left the dozen workers on criminal charges out to dry... Neither the CFMEU nor the AMWU have initiated any public campaign against the victimisation of their members” (“West Gate Bridge construction workers charged with criminal offences”). Consistent with their role throughout, the unions made no attempt to organise any show of support for the workers when they appeared in the Magistrate’s Court on July 6. The twelve West Gate workers appeared with their lawyers and only a handful of other construction workers.

There is no doubt that the CFMEU and AMWU want the West Gate Bridge dispute finished. Having got what they wanted through the no-strike deal with John Holland, the unions are now isolating the workers charged with criminal offences and seeking to suppress any examination, within the working class as a whole, of the issues involved in the case.

The sensitivity of both the unions and John Holland on this point was evident when Socialist Equality Party supporters recently distributed WSWS articles on the dispute to workers at a public car park adjacent to the West Gate Bridge project. Site managers aggressively attempted to block the campaign and finally called the police. After this incident, one worker told the WSWS that the West Gate workers had been forced to sign confidentiality agreements that prevented them from speaking out.

The CFMEU and AMWU response to the West Gate charges is also likely guided by financial calculations. An investigation into the industrial dispute conducted by the anti-democratic building industry “watchdog”, the Australian Building and Construction Commission (ABCC), is due to be heard in Federal Court in March next year—a month after the ABCC will be renamed by the Rudd government and have some of its powers modified. It remains to be seen how this transition will affect outstanding ABCC cases; the

unions are no doubt hoping that in return for continuing to deliver the goods at the West Gate Bridge site potentially crippling fines can be avoided or minimised. Since the beginning of 2008, the CFMEU alone has paid out more than \$250,000 in fines issued by the ABCC for allegedly illegal industrial action.

It is highly likely that the twelve prosecuted workers have been told by the unions that the best way to proceed is to remain silent and seek to have the most serious charges dropped in return for pleading guilty to lesser charges involving fines or suspended sentences. The presiding magistrate at the July 6 court hearings indicated that a plea deal may be on offer when he asked one of the defence lawyers whether discussions had yet been had with police prosecutors, and whether he was confident the matter could be resolved.

The unions will no doubt proclaim any plea deal a “victory” for the West Gate Bridge workers. It would be nothing of the sort. It would serve to boost the Rudd government’s efforts to further criminalise standard forms of industrial action and embolden both it and the construction companies to step up their assault on the rights and conditions of all construction workers.

Indicating just how closely sections of big business are following the West Gate Bridge criminal cases, the *Business Spectator* website published an article on July 10 on the Magistrates Court proceedings. Describing the case as “the quietly smoking fuse in an explosive IR environment”, journalist Robert Gottlieb declared that “the longer term implications of this inter-union dispute fought out on the bridge have further to go and the action now swings to the criminal; courts are always a potentially volatile situation when industrial disputes are involved”.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact