Australia: Workers protest against Labor government assault on safety laws

Our correspondents
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Workers in several Australian cities demonstrated yesterday against moves by the Labor government of Prime Minister Kevin Rudd to undermine existing occupational health and safety legislation. The largest protest was held in Melbourne, where about 7,000 workers marched from Trades Hall to the state parliament.

The Rudd government is moving to abolish the present state-based occupational health and safety (OHS) regime in favour of a uniform national system. The measure has long been demanded by big business, which has complained of the costs involved in complying with the nine different OHS jurisdictions across Australia. The government is seeking to establish a single health and safety code on the lowest level by abolishing what corporate Australia regards as excessively onerous OHS provisions in certain states.

Existing laws are grossly inadequate and geared toward business. According to federal government statistics, 135,000 people are seriously injured and more than 260 killed at work every year. Many more are affected by the cumulative toll of workplace injuries and diseases—as a result of these, about 7,000 workers and retired workers die each year according to an Australian Council of Trade Unions (ACTU) estimate.

This toll is set to significantly increase if the federal and state Labor governments' plan proceeds.

In July 2008, the Council of Australian Governments (COAG) signed an agreement that committed the states to modify their OHS laws by December 2011 in line with model legislation being drafted by the Rudd government. Safe Work Australia, a body set up by Deputy Prime Minister Julia Gillard's Workplace Relations Ministers Council, has been given directions on the scope and content of the model OHS legislation, which is yet to be finalised.

These directions make clear that both federal and state Labor governments intend to substantially water down the current regulations.

In New South Wales, for example, the ability of trade unions to take employers to court on health and safety charges will be abolished. In addition, the burden of proof is to be reversed. Whereas employers must now demonstrate that they did everything reasonably practicable to prevent an injury or death, under the Rudd government's model it will be up to prosecutors to prove employers' negligence.

In Victoria, the proposed changes undermine the rights and authority of workers' OHS representatives. Currently these representatives can, immediately upon their election, direct a cease-work if there is a safety risk. But under the model national legislation this is only permitted once the representative is deemed to have been fully trained. The Rudd government's proposals also restrict the right of OHS representatives to call in outside assistance from unions or third parties to resolve safety problems, and make it much easier for industrial courts and tribunals to remove these elected representatives.

The federal government has made no secret that the OHS reforms are being driven by the concern to boost productivity and corporate profits.

In her address to the International Industrial Relations Association 15th World Congress in Sydney on August 25, Industrial Relations Minister Gillard declared: "For the first time ever, after a 25-year wait, Australian businesses and workers are close to having uniform national occupational health and safety laws. A massive step forward in achieving a seamless national economy that Australia needs to release lasting and much-needed productivity improvements."

The Labor government is acting at the direct behest of

employers. In a statement issued August 5, the Australian Chamber of Commerce and Industry declared: "In the context of a global economic downturn, such reforms that can boost productivity are imperative ... However, harmonisation of legislation is not of itself the solution to the compliance burden problem, but rather it will be the final content and quality of the model legislation and the approach to its implementation and enforcement that will be the critical determinants as to whether or not productivity gains are in fact realised in practice."

In other words, to boost profits, a nationally harmonised OHS model must lower, not raise, employers' safety obligations.

The proposed health and safety system is merely one aspect of the federal and state Labor governments' pro-business "reform" agenda. Rudd, like his counterparts internationally, has responded to the global economic crisis by moving to place the full burden onto the working class, restructuring economic and social relations so as to permanently lower ordinary people's living standards.

The first necessary step toward defending workers' conditions—including workplace health and safety—is for the working class to make a conscious political break with the Labor Party.

The trade unions are the federal and state governments' direct accomplices. Yesterday's rallies were called not because the unions have any concern for the impact of new OHS laws on ordinary workers, but rather because of their displeasure at being sidelined by the Rudd government in the legislative drafting process. No attempt was made to mobilise workers nationally against the proposed OHS reforms. Small rallies were held in Adelaide, Brisbane, and Hobart. Without explanation, the unions decided not to hold a protest in Sydney.

In Melbourne, building workers comprised the largest contingent of those who participated. The central message conveyed by the unions was that workers should seek to pressure the Labor Party to allow the union bureaucracy to come on board.

Addressing the Melbourne demonstration, ACTU secretary Jeff Lawrence declared: "Today I ask you all to send a message and join with all those around Australia who are rallying on the same issue; a message back to the federal and the state governments that they have to come back to the negotiating table, to sit down with the ACTU and unions and

address our key issues."

World Socialist Web Site reporters spoke with several workers who attended the Melbourne demonstration.

Wayne, a building worker currently on the ANZ bank construction site, said: "OHS should be common sense. Who's running the country? Big business or the government? And why do we have to fight on a site for something, not just once but twice and three times? We win certain conditions one year and it gets taken away the next year...."

"There can be no cost put on safety—whether it is a building site, a mine or a ship. Safety is a right for everybody. It isn't for sale. In the old days they used to factor deaths into construction jobs—you don't go backward to something that is bad. The problem is that there are the big bosses and then there is society. Ninety percent goes to them and 10 percent goes to us. And all they care about is the bottom line."

A construction worker from the Royal Children's Hospital site said: "Under Howard, the workers were stuffed up; you had to go to the courts to go on strike. To me it is not democratic. Rudd is the same. It doesn't matter—they are all the same. Look at the ABCC [Australian Building and Construction Commission]—Rudd doesn't want to alter it. The only thing he allowed was to let shop stewards on site. Otherwise it is just the same. So what do you do?

"Companies can do what they want when they get the law behind them. It's not like it was 10-15 years ago. You can't do anything—open your mouth about conditions then somebody reports you, and you're gone. That's how they treat you ... I feel sorry for young kids—big mortgages and they haven't got secure jobs. You're lucky to get a job now for six months. And a mortgage is at least $350,000—how can a young person in their 20s manage that?

"The media and the government, they back the people with money. Murdoch has billions. They call people 'thugs'—they've got the law behind them, and we feel like we can't do anything. We have to struggle—who knows what will happen?"

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