

# Australia: Rudd government backs moves to outlaw national postal workers walkouts

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National walkouts by postal workers over poor pay and conditions—the first such pre-Christmas action in more than 20 years—this week triggered immediate legal action by Australia Post management, which used the Rudd Labor government's new industrial laws to ban the stoppages and shut down picket lines.

Banning orders were issued late on Wednesday night by the Federal Court and the government's Fair Work Australia (FWA) industrial tribunal after 20,000 postal workers, including postmen, drivers and sorters, walked off the job or were involved in rolling stoppages.

At the beginning of this month, postal workers voted overwhelmingly in a secret ballot for industrial action. The dispute is formally about a new enterprise agreement, but the 75 percent majority in favour reflects the pent up anger generated by years of job shedding, casualisation, contracting out and erosion of working conditions by Australia Post, with the assistance of the Communications Electrical Plumbing Union (CEPU).

As one postal worker told the WSWs: "Workers are frustrated over the continuous loss of conditions and the destruction of thousands of jobs. Every enterprise agreement negotiated by the unions over more than 10 years has given more and more conditions away."

Australia Post has stalled negotiations on a new agreement since the last one expired in December 2007, just after the election of the Labor government. As well as seeking an improved pay offer, workers are demanding "job security" provisions to counter the franchising and contracting out that management has used to destroy full-time jobs.

Parcels are now delivered exclusively by contractors. Although 93 percent of standard mail is still delivered by Australia Post workers, contractors do the remainder, mainly in regional and rural areas. About 5,000 contracts for delivering parcel and mail have been awarded to private contractors.

Workers also want an end to the practice of company-appointed doctors assessing workers injured on the job, which has resulted in many employees being sent back to work before they have fully recovered. Finally, they are demanding an end to constant

management moves to undermine penalty rate payments for shift work, such as changing the starting time of mail sorters by half an hour to avoid paying a 15 percent loading.

Despite the overwhelming strike vote, the CEPU tried to contain industrial action to limited work bans, such as allowing unstamped mail to pass through the system. Stoppages broke out, however, after Australia Post sent out notices threatening to dock workers a full day's pay for refusing to work as directed—even for just 15 minutes. CEPU national president Ed Husic complained that the management had "inflamed an already sensitive situation".

Picketing by postal workers and supporters began at key Australia Post distribution centres in Victoria, including Melbourne Airport, Port Melbourne, Geelong, Dandenong, Ballarat, and Ardeer.

Anger over the stripping away of shift penalties had been brewing since June 2008, when workers at the Dandenong centre defied the industrial relations laws and walked out on a snap strike after management announced changes to penalty shift arrangements for Sundays and public holidays.

On Wednesday night, an FWA tribunal member ordered the CEPU to end the rolling stoppages, which were set to continue until next Tuesday. The union immediately complied, telling its members "the stoppage notices are withdrawn and have no effect and should not be followed."

The tribunal utilised a precedent established earlier in the day by the FWA full bench, which similarly blocked looming national stoppages by workers at the telecommunications carrier Telstra.

The full bench declared that the three days' notice of any industrial action required by the government's "Fair Work" legislation must specify precisely the locations and times of stoppages. It ruled that the details must be "sufficient to put the employer in a position to make reasonable preparations to deal with the effect of the industrial action"—that is, to organise strike-breaking activity.

Australia Post also went to the Federal Court to obtain an injunction to stop the picketing, using provisions in the Fair Work

laws that ban asking other workers to honour picket lines. Again, the union used the proceedings to call off the action. It gave an undertaking that pickets would not hinder trucks or workers or abuse anyone entering or leaving Australia Post premises—that is, it undertook to render any picketing ineffective.

Justice Shane Marshall said breaches of the undertaking would amount to contempt of court, opening up the possibility of workers being jailed. But the union made clear it would police the court's restrictions. Outside the court, Husic said the court had “clarified in which way we need to behave at these facilities”.

While work bans remain in place and Husic claimed that the union is re-working notices of intent for strikes to resume from Tuesday, the union is operating behind the scenes to broker a deal. In line with past practice, any agreement will be based on accommodating the company's demands. Husic said he had written to Australia Post managing director Graeme John saying: “We are happy to meet today, tomorrow and [at] the weekend.”

Australia Post has stepped up its offensive by issuing a provocative call for scab labour to break further strikes. According to media reports, it appealed “for family, friends and neighbours of postal workers, particularly with fork lift and heavy vehicle tickets, to fill in for any employees who decide to strike”.

Already, trucks driven by contractors have raced through picket lines, endangering life and limb with impunity. One worker was struck by a speeding truck at North Geelong and dragged 10 metres before the driver stopped.

During the picketing, Australia Post also asked the Victorian police to “remove illegal pickets,” in the same way that the state Labor government authorised the police to move against construction workers' pickets at Melbourne's Westgate Bridge site earlier this year.

Deputy Prime Minister and Workplace Relations Minister Julia Gillard made clear her backing for Australia Post when interviewed on ABC television's “Lateline” program last night. Although she declined to comment directly on the dispute, she emphasised that the Rudd government was “tough on unlawful industrial action” and had introduced “severe penalties”. She boasted that strike activity had been reduced in the three months since the Fair Work laws fully replaced the previous Howard government's “Work Choices” legislation on July 1. Gillard reiterated that the purpose of Labor's laws was to drive up productivity rates.

The latest FWA and Federal Court rulings highlight how far the Rudd government's laws prohibit any form of industrial action by workers. Previously, the FWA twice stopped postal workers even voting for action in a secret ballot, with tribunal members declaring that the union had failed to engage in “good faith bargaining”—even though Australia Post had stalled negotiations for 18 months.

Gillard and the FWA also have powers to ban industrial action if it threatens to cause “significant economic harm to the employer” or “significant damage to the Australian economy or part of it”.

Breaches of FWA orders can lead to fines of up to \$6,600 for individual workers or \$33,000 for unions. CEPU, like every other union, has explicitly endorsed the legislation, which also bolsters the position of the unions by giving them official FWA status as bargaining agents.

As well as striving for months to limit or prevent industrial action by postal workers, CEPU did not even consider united action with the Telstra workers, many of whom are CEPU members and who face similar attacks on their jobs and conditions. Such joint action is also barred by the Labor government legislation.

For the past two years, the entire trade union movement has worked closely with the government to prevent any outbreak of industrial action, or challenge to Labor's laws, even as employers have used the global financial crisis to carry through retrenchments, wage-cutting and casualisation.

There are now signs of a brewing revolt. Key sections of workers have taken action over the past two months, including Sydney bus drivers, Qantas engineers, Xstrata Tahmoor coal miners, Pluto LNG project construction workers, Queensland rail workshop employees, NSW TAFE teachers, maritime workers servicing offshore oil and gas sector projects, BP refinery workers in Brisbane and Nyrstar smelter operators in Port Pirie, South Australia. This week, Ford technical workers rejected a wage freeze proposed by the vehicle builders' union.

The developments in the postal dispute demonstrate, however, that any struggle to defend even the most elementary conditions involves a political fight against the trade union enforcers of the pro-market program and industrial relations regime of the Rudd government.



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