

# Australian election: The fraud of Labor's "Work Choices" scare campaign

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One of the biggest frauds in the campaign for the August 21 Australian election is the constantly repeated claim of the Labor Party and the unions that a Liberal government led by Tony Abbott would be a more serious threat to workers' rights and conditions than the Labor government.

Desperate to deflect workers' discontent with Labor's industrial relations regime, Prime Minister Julia Gillard and the trade union leaders have spent the past week stirring fears that an Abbott government would bring back the hated "Work Choices" industrial relations laws of the former Howard government.

For his part, Abbott, conscious of the deep hostility to the Work Choices legislation, which was a significant factor in Howard's landslide defeat in 2007, has theatrically signed a pledge that Work Choices is "dead, buried and cremated". Abbott has promised to leave the Rudd-Gillard government's workplace laws, titled Fair Work Australia, intact for at least three years.

All this is a swindle because Labor's legislation actually strengthens the anti-strike provisions of Work Choices. It outlaws all industrial action—including strikes, partial stoppages, go-slows, work bans, overtime bans and work-to-rules—except during the limited bargaining periods for enterprise agreements at individual workplaces.

Even then, secret postal ballots must be held before any strike, a process that can take weeks. Precise details of any proposed action must be provided to employers, thus allowing them to plan strike-breaking. At all times, the Labor government's Fair Work Australia (FWA) industrial tribunal can block a ballot or planned industrial action on the ground that extensive "good faith bargaining" has not taken place.

Both the FWA and the workplace relations minister can also block or terminate industrial action if it could cause "significant harm" to the employer, another company or "the Australian economy or part of it". As under Work Choices, any industrial action in solidarity with other sections of workers, or over broader economic, social or political issues is prohibited.

Workers who infringe FWA provisions face serious penalties. Breaches of FWA orders can lead to fines of up to \$6,000 for individual workers or \$33,000 for unions. On top of that, the Federal Court and Federal Magistrates Court can issue orders

and injunctions, breaches of which could see workers jailed for contempt of court. These draconian powers extend to organisations or political parties that advocate industrial action, even if part of a political campaign.

With the assistance of the trade unions, which have repeatedly instructed workers to abide by Labor's laws, the FWA apparatus has been used to back employers and suppress key struggles, including by construction workers on the Melbourne's West Gate Bridge site, paramedics in Victoria, Qantas baggage handlers, Telstra and Australia Post employees—all fighting to defend long-standing working conditions.

Labor's laws also permit employers to take aggressive strike-breaking actions. There have been a series of punitive lockouts, including in the casino, food processing, mining, health, and construction sectors. Most recently, about 70 academics have been stood down at the University of NSW for imposing work bans to fight the university's demand for virtually unlimited use of fixed-term contracts.

One of the reasons that Gillard was bureaucratically installed as prime minister last month is her record as the Rudd government's Workplace Relations Minister. She oversaw the introduction of the Fair Work laws, and repeatedly demonised workers and sided with employers. "Unlawful industrial action is wrong," Gillard arrogantly declared earlier this year in response a strike by Pluto workers. "People should expect to be punished; they should expect to feel the full force of the law; no apologies, no excuses, full stop."

Gillard is also expanding the government's "strong cop on the beat"—the re-badged Fair Work Ombudsman (FWO) (formerly Howard's Australian Workplace Ombudsman)—into a 900-strong force. More than 320 FWO inspectors already exercise extensive powers to investigate and punish industrial action. They can enter workplaces and other premises, interview people, require identification and seize records, documents and computer files. Any worker who fails to comply faces penalties of up to \$3,300. Anyone who "hinders or obstructs" an inspector can be charged with serious criminal offences.

The powers are akin to those of the Howard government's notorious Australian Building and Construction Commission

(ABCC), which the Labor government has also refused to abolish. South Australian construction worker Ark Tribe is currently being prosecuted for refusing to answer ABCC questions, and faces up to six months' jail.

While the construction unions claim to oppose the ABCC, they have embraced the FWA and FWO under the slogan "one law for all". They have remained silent on Gillard's plans for a Fair Work Building Industry Inspectorate, to be armed with all the ABCC's punitive and investigative powers. Introducing the Inspectorate Bill earlier this year, Gillard said its purpose is to "send a signal to those who would break the law in the building industry that there will be repercussions".

As part of its current \$1.8 million campaign backing Labor, the Australian Council of Trade Unions (ACTU) says it has identified 198 sections in workplace legislation that allow for changes by regulation. According to ACTU secretary Jeff Lawrence: "At the stroke of a pen, Tony Abbott could reduce unfair dismissal protections for small business employees, reduce minimum conditions in modern awards or enterprise agreements, and cut their entitlements to redundancy payments." But the Labor government's retention of these powers in the Act only underscores its capacity to do the same "at the stroke of a pen".

The ACTU's posturing as defender of the rights of workers is a sham. For the past quarter century under successive Labor and Coalition governments, the trade unions have functioned as the industrial police force for an increasingly draconian workplace regime.

The Howard government's ability to implement Work Choices depended on 13 years of betrayal by the previous Hawke and Keating Labor governments. Enterprise bargaining, workplace restructuring, privatisation and the end of the eight-hour day had all been implemented by Labor, with the backing of the unions.

During the ACTU's prices and incomes Accords with the Labor governments from 1983 to 1996, the unions actively broke strikes, quashed resistance to punitive fines, removed recalcitrant union delegates and dismantled shop committees.

Like unions around the world, confronted by the globalisation of production, their role was transformed from seeking to extract concessions from employers within the framework of a nationally-regulated economy to one of imposing the demands of employers on their members in order to make Australian corporations "internationally competitive".

When Labor was thrown out at the 1996 election, the ACTU quickly reached a modus operandi with the Howard government, suppressing workers' opposition as the Liberals extended Labor's workplace measures.

As hostility among workers to Work Choices grew, the unions channelled the opposition behind a "Your Rights at Work" campaign for the return of a Labor government. With Labor in office, they worked hand in glove with Gillard in drawing up the Fair Work regime. Their payoff was that the

legislation reinforces their role as industrial enforcers by granting them automatic representation rights in FWA hearings, backed by a partial return to compulsory arbitration, the system used in Australia throughout most of the 20<sup>th</sup> century to stifle independent working class struggle.

Union leaders openly argue that union-negotiated collective agreements drive up productivity faster than Work Choices-style individual contracts. At the same time, the Fair Work laws also allow employers to impose individual contracts, either via common law agreements or through compulsory "flexibility" clauses in enterprise agreements.

The intimate complicity between the government and the unions was highlighted this week when union officials gave Gillard a rapturous standing ovation as she described getting the Fair Work Act through the Senate as her most "satisfying" political achievement. Gillard was speaking at a farewell dinner for the outgoing ACTU president Sharan Burrow, who is off to Brussels to become general secretary of the International Trade Union Confederation.

Those at the dinner represent a privileged layer of functionaries whose material interests, including directorships of multi-billion superannuation funds, depend on bolstering the profits and competitiveness of Australian-based companies, at the direct expense of the jobs, conditions and basic rights of their members.

If Abbott were to win the federal election because of widespread disgust with Labor and its policies, the unions would collaborate with him, as they did with Howard.

The necessary political conclusions have to be drawn. The unions, like the Labor Party, have become instruments of finance capital and the corporate elite. Whichever party—Labor or Liberal—comes to power after the next election will be compelled to make far deeper inroads into the social position of the working class as the global economic crisis continues to worsen.

Workers can only defend their living standards and basic rights by breaking from Labor and mobilising independently to fight for a socialist perspective and for a workers' government. That necessarily involves a conscious political rebellion against the entire system of industrial laws and against the unions that police them. Above all, it requires the building of the Socialist Equality Party as the new mass socialist party of the working class.

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