

# Australian nurses' industrial action banned by Labor's laws

Will Morrow  
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Industrial action taken by public-sector nurses in the state of Victoria in defence of wages and conditions was banned last Wednesday by the federal Labor government's Fair Work Australia (FWA) tribunal.

Justice Alan Boulton, Fair Work Australia's senior deputy president, ordered the nurses to suspend their industrial action for 90 days, during which time the Australian Nursing Federation (ANF) and the state Liberal government are to try to reach agreement on a new four-year enterprise bargaining deal. The ruling fell short of imposing a permanent termination of all industrial action, as had been mandated against Qantas workers following the airline's grounding last month. The Fair Work tribunal nevertheless agreed with the central accusation falsely levelled against the nurses by the state government and the Victorian Hospitals Industrial Association (VHIA)—that their closure of a limited number of hospital beds violated the Fair Work Act by endangering “the life, the personal safety or health, or the welfare, of the population or of part of it.”

The underpaid nurses are demanding an 18.5 percent wage rise over four years. They are also resisting a concerted campaign by the state government to drive down staffing levels and undermine working conditions by abolishing the existing nurse-patient ratio provisions. Through this and other “productivity” measures, the government aims to cut spending by \$104 million, which according to the nurses' union is equivalent to 1,758 full-time nursing and midwifery positions.

The nurses' campaign is being closely monitored in corporate circles as a key test case, indicating the extent to which Labor's Fair Work Act prevents any section of workers from taking industrial action over workplace issues such as staffing numbers and casualisation rates. The industrial tribunal's ruling on the nurses, coming

after the Qantas intervention, underscores the draconian and right-wing nature of the Labor government's industrial regime. The Fair Work legislation, drafted by Julia Gillard herself before she became prime minister, extended the sweeping restrictions on strikes and industrial action that were contained in the former Liberal government's WorkChoices laws. This is now being used against sections of the working class seeking to defend their conditions and resist public spending cuts.

The *Age* today reports that the Victorian government is seeking to have Fair Work Australia ban all industrial action by the state's 36,000 public servants, on the pretext that work bans imposed by 1,500 child protection workers are endangering children.

The nurses confront a concerted offensive against their wages and conditions that poses the need for an industrial and political fight against the state Liberal and federal Labor governments. The Australian Nursing Federation, however, is determined to prevent the emergence of such a struggle. The union has repeatedly pleaded with the state government to take a less provocative stance and to work with it in identifying “productivity” measures to cut spending.

Just prior to the Fair Work ruling banning industrial action, ANF state secretary Lisa Fitzpatrick offered an “olive branch” to the government—agreement to “consented arbitration” before Fair Work Australia and an immediate end to all industrial action. Consented arbitration would involve the ANF and the government agreeing to what issues, including staffing ratios and working conditions, could be arbitrated on Fair Work Australia. The ANF, in other words, was satisfied to allow the so-called “independent umpire” to make whatever attacks on nurses' real wages and working conditions it deemed necessary.

The government rejected the offer, insisting that it wanted a “permanent outcome” and the “bans removed unconditionally.”

The ANF nevertheless repeated its offer after the FWA-imposed suspension of the nurses’ industrial action. Fitzpatrick complained: “Every step of the way [the] ANF has negotiated in good faith, we’ve given ground to accommodate the employers’ claims and we’ve refined our claims.” She told ABC radio on Thursday: “We have committed to the government that at any arbitration by consent, the outcome of that arbitration will be recommended to our members. This is the way we have operated in the last four enterprise agreements since the late 1990s.”

The way the ANF has operated in the last period has produced a disaster for nurses, other health professionals, and public health patients. The trade unions have worked hand in hand with successive Liberal and Labor governments over several decades to devastate the public health system.

The ANF leadership has decided to maintain the restrictions on hospital bed numbers, in defiance of the Fair Work ruling, until a mass meeting of nurses next Monday. This is aimed at bolstering the bureaucracy’s credibility among the membership, and clearly reflects pressure from ordinary nurses, who are determined not to give in to the government’s demands.

Fair Work Australia issued another ruling earlier today insisting that all industrial action in the hospitals had to stop. Victorian Premier Ted Baillieu refused to rule out taking Federal Court action against the nurses, declaring: “They should accept the decision of Fair Work Australia and lift those industrial bans.” The website of the Murdoch-owned *Herald Sun* currently features a story with the provocative headline, “Nurses risk jail if they continue industrial action”, warning that under the Labor government’s Fair Work regime, nurses risk imprisonment for up to 12 months and large fines for taking “illegal” industrial action.

Nurses need to form independent rank-and-file committees in every hospital, independent of and in opposition to the ANF, and turn out to other sections of the working class facing similar attacks. These include other health workers, public sector workers, and Qantas employees nationally and internationally. What is facing nurses in Victoria is part of the austerity agenda being imposed in country after country on workers who

are being compelled to bear the brunt of the deepening crisis of capitalism.

A political fight against the state Liberal government and the federal Labor government can only go forward on the basis of an independent socialist perspective that aims to bring the banks and key sections of industry, including the billion-dollar private healthcare sector, under public ownership and the democratic control of the working class. The Socialist Equality Party urges nurses to contact us via the *World Socialist Web Site* and develop a discussion on these issues.



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Socialist Equality Party visit:

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