

Fair Work Australia imposes no-strike bans on Victorian nurses

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Striking nurses and midwives in the state of Victoria could face large fines and imprisonment for 12 months following a ruling yesterday by the federal Labor government's Fair Work Australia (FWA).

The industrial tribunal deemed rolling four-hour stoppages by nurses in Melbourne yesterday "unprotected" and banned all industrial action until June 1. The Victorian Hospitals Industrial Association (VHIA), the employer body conducting enterprise agreement (EBA) negotiations with the nurses' union, also threatened legal action in the Federal Court if nurses defied the FWA order.

The walkouts were part of the nurses long-running dispute with the state Liberal government over wages and patient-nurse ratios and involved about 400 day and afternoon shift nurses at the Royal Melbourne, Dandenong and Western hospitals. Nurses held rallies outside the facilities. Stoppages are scheduled today at the Northern, Frankston and Geelong hospitals.

The industrial action, which was to spread to an additional three hospitals each day, was overwhelmingly endorsed at a mass meeting of 3,000 Australian Nursing Federation (ANF) members at Melbourne's Festival Hall on February 22.

While nurses have defied the FWA ban, the union has declared its intent to shut down the stoppages immediately if the state government agrees to "private arbitration" of the dispute by the same tribunal that has just issued the order.

ANF Victorian branch secretary Lisa Fitzpatrick told reporters last night that "the minute" that the state government agreed to "return to the negotiating table and allow the industrial umpire as arranged by [federal Workplace Relations Minister] Mr Shorten to resolve the issues between us, the action will cease."

Victoria's 30,000 nurses and mid-wives want an 18.5 percent wage rise over four years and the maintenance of existing patient-nurse ratios and conditions. The state's current ratios require one nurse for every four patients during day shifts in acute hospitals.

Premier Ted Baillieu's state government has rejected the nurses' claims outright. It has imposed a 2.5 percent annual pay rise ceiling—a cut in real terms—on all public sector workers. It wants to slash hospital funding by over \$100 million by replacing nurses with less-trained and lower-paid nursing assistants, increasing "roster-shift flexibility" and axing nurse-patient ratios.

Nurses have repeatedly demonstrated their determination to fight this assault on public health, but the ANF has done everything possible to prevent a confrontation with the Baillieu government and the federal government of Julia Gillard. Gillard's FWA industrial relations regime punishes virtually all industrial action by workers, while employers are given free rein to attack wages, jobs and conditions.

Nurses began a bed closure campaign and imposed work bans in November to push for their claims, only to have their action deemed illegal and a "threat to public safety" by the FWA. A mass meeting of 4,500 nurses on November 21 unanimously voted to defy the industrial tribunal and maintain their bans, but that decision was overturned by the ANF.

In an attempt to deflect attention from this betrayal, the ANF held "community rallies" outside the offices of state Liberal MPs and organised other publicity stunts. The union called on nurses to write resignation letters, which it claimed could be used to "pressure" the Baillieu government.

These "tactics" were designed to politically confuse and demoralise. As numerous nurses pointed out on social networking sites, any resignations would be welcomed by the state government and the vacancies filled with low-paid nurse assistants.

This week's mass meeting was the first since the FWA banned the nurses' industrial action last November. Nurses again indicated their willingness to challenge the government's attacks. Once more the union sought to disorient nurses. ANF secretary Fitzpatrick told the meeting that the rolling stoppages would expose what the state government's elimination of patient-nurse ratios would produce.

The union issued an unprecedented invitation for federal Workplace Relations Minister Bill Shorten to address the meeting, falsely presenting him as a supporter of the nurses. As a former national secretary of the Australian Workers Union, Shorten has a long record of enforcing employers' cost-cutting and productivity demands.

Shorten is now one of the most senior ministers in the Gillard government, which is working closely alongside all state governments to slash public sector jobs and wages as part of its austerity measures to impose the burden of the deepening global economic crisis. The federal government is also implementing a national hospital plan, designed to constantly drive down costs by tying all government funding to a "nationally efficient" price for each hospital procedure.

Outside the ANF mass meeting, Shorten told the media that "private arbitration" in the FWA between the ANF and the state government would be a "circuit breaker". The circuit breaker Shorten has in mind would be similar to that he imposed last year on P&O Automotive and General Stevedoring (POAGS) wharfies.

Last December, soon after he was appointed workplace relations minister, Shorten intervened to shut down industrial action by POAGS wharfies and pushed their EBA dispute into FWA "mediation". Industrial action was banned for a month, allowing the Maritime Union of Australia to negotiate a backroom deal with the company and impose a settlement that delivered new productivity demands.

Shorten's intervention in the nurses' dispute is calculated to assist the ANF leadership to break the resistance of nurses and create the conditions for the union to work out a settlement which ensures that the state government's budget measures—which are in line with the Gillard government's austerity program—are pushed through.

The Baillieu government, which previously proposed binding FWA arbitration as a means of abolishing nurse-patient ratios, said it would respond to the Shorten-ANF proposal by Monday or Tuesday.

The Victorian nurses' dispute is at a political turning point. Nurses cannot defend their conditions unless they organise independently of the unions and against the state and federal governments. This requires a new political strategy—a socialist program where health and other basic requirements of life are under the democratic ownership and control of the working class.

Striking Western Hospital nurses, who wished to remain anonymous, spoke with the *World Socialist Web Site* yesterday about their working conditions and the state and federal government attacks on public health.

"In 1986 [during the Victorian nurses' strike] I stood out the front of the Royal Melbourne Hospital," an older nurse

said. "I can't believe we're here doing it again. It shouldn't have to happen. What I remember about 1986 is fighting for my patients and I'm very emotional about this."

Another nurse, who had worked for over 40 years in the health industry, said: "What we face is appalling. We need a government that leads well. Whether internationally or in Australia, there is no political party which can form a government everybody can be confident about. They can't run the country. Money drives everything. They don't want to pay the nurses, they want the cheapest possible workers.

"This drive by the government to bring in unlicensed, unregistered workers is appalling. They can't treat patients, based on training for three months! Patient care is far more complex now. The government wants qualified nurses? Yes, but they're not prepared to pay the money."

A younger nurse explained the extreme pressures placed on nurses in her unit: "We work in the drug and alcohol unit and there are multiple disciplines involved in our work. Many have more than one illness but we only have three staff at night for 20 patients.

"With patients who are acutely ill, they are in enormous pain. They need dangerous drugs. You need two nurses to administer this medication. Without two nurses on duty—what are you going to do for these patients? They will be waiting in agony while you try and get the after-hours nurse to check the drugs. It doesn't work. We need the staff on the ward all the time ...

"For one patient who is acute, one-to-one nursing is required because there are lots of things happening to the person. That only leaves two staff for the other 19 patients. What if they allocate PSAs [nurse assistants] to fill the ratio? A PSA working on that unit scares me!"

Asked whether she believed FWA negotiations would protect wages, conditions and patient-nurse ratios, the nurse said: "When it goes to the [FWA] judges, they will not look at the ratios. They only select what is part of the government agenda."



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