

# Australia government intervenes into port workers' dispute

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22 March 2012

Responding to a threatened lockout by the giant transport company Asciano, the Gillard government has stepped in, backed by the Maritime Union of Australia, to effectively shut down industrial action by Asciano's port workers.

Workplace Relations Minister Bill Shorten on Tuesday announced a deal with Asciano executives and the MUA to send the dispute over an enterprise bargaining agreement into conciliation proceedings in the Gillard government's Fair Work Australia (FWA) industrial relations tribunal.

Infrastructure Minister Anthony Albanese was also involved in the closed-door talks, highlighting the government's commitment to preventing any further breakout of resistance by workers to the offensive against jobs and conditions by employers across the country, especially in key industries such as the waterfront.

Last week, Shorten initially declined to intervene, saying a settlement of the dispute was close with the MUA. Asciano then provocatively escalated the confrontation with its 1,200-strong workforce at Patricks-operated container terminals. It suddenly flagged redundancies at its Fremantle terminal in Western Australia and roster changes that would require employees to work more weekends. After 150 workers at Fremantle struck for 48 hours on the weekend, the company not only threatened a lockout, but said it would withdraw already-agreed wage increases.

The government's intervention followed several days of speculation and agitation in the media, particularly the *Australian* and the *Australian Financial Review*, demanding a crackdown on any industrial action at the ports, and everywhere else as well. A column in the

*Financial Review* called for a "Qantas moment" on the waterfront.

Last year, Qantas grounded its fleet, and threatened to lock out its workforce. The Labor government used the confrontation to obtain an order in the FWA tribunal to bar further industrial action by Qantas workers. That ban blocked any resistance to Qantas's wholesale restructuring and paved the way for the airline unions to impose enterprise bargaining agreements that delivered the company's demands for a new wave of job cuts, closures and outsourcing.

The government's latest intervention follows the pattern set by the Qantas showdown. It is the third time that Shorten has stepped in to head off a struggle by workers that threatened the government-backed corporate restructuring drive. Last year, he arranged a "cooling off" period with the MUA to push a dispute at POAGS, another stevedoring company, into the FWA tribunal after the company locked out workers at ports across three states.

Earlier this month, Shorten brokered a similar reference to the FWA in the protracted Victorian nurses' struggle, paving the way for a sell-out by the nurses' union. Public hospital nurses throughout the state had previously defied the federal government's FWA laws, which prohibit most industrial action, by shutting down some hospital beds and staging rolling stoppages (see: "Australian nurses' union imposes real wage cut").

As part of Shorten's intervention, the MUA has signalled its readiness to finalise an in-principle agreement it struck with Asciano last November. Asciano's chief negotiator Alistair Field welcomed the union's stance and reiterated the company's insistence that the central issue in the dispute was that "we retain the right to manage our operations."

As far as Asciano is concerned, it must have free rein to institute sweeping changes across its operations. In particular, it has refused to stop its increasing exploitation of casual labour and elimination of basic safety provisions.

The MUA initially cut its members' pay claim from 10 percent annually to 6 percent, then signed an agreement last November based on a 22.5 percent wage increase over five years, an average of 4.4 percent annually. The union contends that the main barrier to concluding an enterprise bargaining agreement is the company's refusal to permit "last resort" arbitration by the FWA to resolve disputes.

Asciano is a major ports, road and rail operator, owning not only Patricks but also haulage companies Pacific National Rail and Pacific National Coal. Its major clients are the mining companies, which are insisting that nothing be permitted to impede the shipping of minerals and raw materials.

The wider agenda behind Asciano's aggression was spelled out in Monday's *Australian* editorial. The newspaper has been in the forefront of demanding further sweeping industrial relations "reform" from the Gillard government in Labor's current review of its Fair Work Act.

Proclaiming that Asciano "like every other company, has a right to manage its operations as it sees fit," the editorial declared that exporters and shipping companies were "concerned that unions are taking advantage of the protected action provisions under the Act while Fair Work Australia does not have enough power to intervene in disputes so they can be resolved quickly."

In other words, the corporate elite is demanding a regime that outlaws even the most minimal industrial action. The editorial also targeted "burdensome" workplace safety laws, unfair dismissal provisions and "punishing penalty rates."

While MUA, led by national secretary Paddy Crumlin, is working to stitch up a deal, there is no guarantee that the Patrick port workers at Fremantle and elsewhere will accept the destruction of their jobs and conditions. A pivotal role is being played by the MUA Western Australia secretary Chris Cain, who was quoted in a media interview on Tuesday as backing Shorten's bid to "get round the table" to "get some sort of agreement."

Just a day earlier, in an extraordinary front-page interview with the *Financial Review*, Cain had portrayed himself as a militant. "I'm here for my members not the employers, so I've got no apologies from that," he declared. At the same time, Cain emphasised that "we will abide by the law, we will work under Fair Work Australia guidelines." A former member of the pseudo-radical Socialist Alliance, Cain stated that he had recently joined the Labor Party, which is responsible, in partnership with the unions, for drafting and enforcing the strike-banning laws.

The Asciano dispute had the potential to be the most serious since the 1998 waterfront dispute when Patricks, in league with the then Howard government, sacked its entire workforce to drive through a far-reaching restructuring of the waterfront. The MUA diverted that struggle into the courts and imposed an agreement that destroyed hundreds of jobs and core working conditions, imposed speed-up and allowed the escalating use of casual labour.

In the struggle to defend wages, working conditions and basic rights, waterfront workers should put no faith in any section of the MUA leadership. The urgent necessity now is development of new organs of struggle, genuine rank-and-file committees, to forge a united struggle across the ports. This must be part of building a broad independent movement of the working class, based on a socialist perspective, against the entire pro-market program of the Gillard government.



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