

# Australian government unveils tougher anti-strike laws

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Under increasing pressure from big business to move faster to slash wages and conditions, the Abbott Liberal-National Coalition government introduced two industrial relations measures last week in parliament's first session since the September 7 election. This is only the first instalment, with the government already announcing further moves, including to bolster the existing anti-strike laws imposed by the previous Labor government.

One of the bills restores the hated Australian Building and Construction Commission (ABCC), with its extraordinary coercive powers and punitive measures, including heavy fines on construction workers for taking industrial action.

The ABCC—introduced by the Howard Coalition government in 2005—was retained by the Labor government until March last year, and then replaced with a Fair Work Building Industry Inspectorate (FWBII), with similar powers, to police the employers' assault on working conditions.

Until the ABCC bill is passed, the government will simply utilise Labor's FWBII, led by new appointees, to step up the offensive against on building workers.

Labor itself used the ABCC to punish workers taking industrial action on major construction projects, including Woodside Petroleum's liquefied natural gas plants in Western Australian and the West Gate Bridge upgrade in Melbourne. In each case, the trade unions isolated the disputes and sought to prevent any political and industrial movement against the Labor government.

As a result, earlier this year, fines totalling more than \$1 million were imposed on 117 construction workers for striking for eight days in October 2008 on a Woodside Petroleum project.

The restored ABCC will again be able to compulsorily interrogate building workers, even about

what was said in private. Refusal to comply can result in large fines or jail sentences. The fines on workers for taking "illegal" industrial action will be more than doubled from \$10,200 to \$22,000.

Under Labor's Fair Work laws—which will be retained by Abbott's government—all industrial action is "illegal," except for during the limited bargaining period for new enterprise agreements.

The new bill will also once more allow the ABCC to enforce penalties and fines even though a dispute was settled, meaning that workers can be victimised and harassed by the ABCC indefinitely.

Speaking for employers, Master Builders Australia heralded the bill, claiming that the re-established ABCC was needed to stamp out "thuggery" in the construction industry. In reality, the employers condemn any form of industrial action as "thuggery."

The Abbott government also intends to strengthen the national construction industry code in line with provisions in several states that bar companies from applying for government tenders if they sign work agreements that restrict "flexibility," such as limiting the use of subcontractors. Workplace Relations Minister Eric Abetz said the revamped code would prevent "sweetheart deals"—that is giving any concession in enterprise bargaining.

The government's other new bill will establish a Registered Organisations Commission (ROC) with sweeping powers to monitor unions and other organisations. These will include forced questioning and hand over of documents, backed by heavy fines. Under the pretext of combatting corruption, these provisions will also be used to subject workers to interrogation.

The government's agenda includes a new appeals court to overrule any Fair Work Commission (FWC)

decisions that may run contrary to corporate needs. While the FWC tribunal has unfailingly brought down decisions in key disputes to impose big business demands, it has occasionally displeased employers. In 2011 it rejected an application by the Australian Mines and Metals Association to bar a strike ballot until an employer had agreed to commence a bargaining period.

Another planned measure will circumvent negotiations for work agreements on new “green-fields” projects, allowing the FWC to impose settlements along the lines demanded by the employers.

However, powerful sections of the corporate and financial establishment are critical that the Abbott government failed to commit to introducing even more drastic workplace “reform” during its first term of office. During the election campaign, in order to secure votes, Abbott pledged that the Howard government’s former WorkChoices laws, based on individual contracts, were “dead and buried.”

Because of the deteriorating world economy and collapse of the mining investment boom, this is no longer tenable, as far as big business is concerned. With mass retrenchments producing a pool of jobless workers and young people desperate for work, major figures are pushing for this social misery to be exploited to drive a much deeper assault on wages and conditions.

Maurice Newman, the head of the government’s own Business Advisory Council, last week condemned “workplace rigidities,” while the head of the hospitality employers’ group Restaurant and Catering, John Hart, demanded the wholesale slashing of weekend and after-hours penalty rates. According to Hart, penalty rates are “obscene” and should not “be a feature of a modern workplace relations system.”

The government is feverishly preparing the ground to deliver on big business demands. It has announced a Productivity Commission Review into the Fair Work Act next year. This will undoubtedly become the vehicle for bringing forward further inroads into wage levels, working conditions and basic rights.

Having enforced all the corporate restructuring, layoffs and tearing up of workers’ conditions under the Rudd and Gillard Labor governments for the past six years, the trade unions will continue to do so under the Abbott government. The Australian Council of Trade Unions (ACTU) has criticised the reestablishment of

the ABCC and other aspects of the government’s measures, while pledging to work collaboratively with business and the government to deliver the corporate elite’s demands for ever-higher productivity rates.

In a post-election article featured on its web site, ACTU president Ged Kearney wrote: “As the Coalition rev their engines, check the oil and prepare to race off into the next three years, unions have indicated a readiness to work with the new government for a better Australia... There is nothing to gain from conflict for conflict’s sake but there are many benefits from balancing the interests of workers with those of business.”

In other words, the unions are anxious to work as closely as possible with the Abbott government, continuing to the interests of big business by suppressing workers’ struggles as they did under Labor.



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