

Australian industrial watchdog goes after West Australian construction workers' homes

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Australia's Fair Work Building and Construction (FWBC) agency has taken further steps to seize control of the homes and properties of CBI Construction workers in order to force the payment of massive industrial fines against 117 workers. The prosecution of the workers for striking was initiated during the previous Rudd and Gillard Labor governments.

The building workers, who are members of the Construction, Forestry, Mining and Energy Union (CFMEU) and Australian Manufacturing Workers Union (AMWU), were charged with taking "illegal" strike action at Woodside Petroleum's liquefied natural gas expansion project in northwestern Australia in October 2008. They were collectively fined \$1,068,000 last September and ordered to pay \$680,125 within 60 days.

In late March, the FWBC instructed bailiffs to seize the property, including cars and homes, of 33 of the workers. Last week, the FWBC took action in the Federal Court to prevent 25 of them from selling their homes or other personal assets until a remaining \$135,625 was paid. This indicates that some workers may have already been forced to pay some of the fine. While there are conflicting reports of what property has actually been seized so far, the Western Australian sheriff has "actioned" 18 "search and seizure warrants."

As of writing, the CFMEU and AMWU state and federal branches have failed to respond to *World Socialist Web Site* requests for more details on the case. This is in line with their role in isolating the workers and sabotaging any struggle against the unprecedented fines and property seizures—amongst the largest on record.

Speaking to the media last week, FWBC director Nigel Hadgkiss described the workers as criminals.

"The process of recovery of civil penalties imposed by the court in this case is no different to that which would apply to any other law being broken," he said. "The law has been broken in this instance and those people in my mind will just have to pay whatever they were penalised by the Federal Court. It's as simple as that."

Hadgkiss said the FWBC had begun means-examinations of 11 of the 25 workers to determine their capacity to pay off the fines.

The workers were employed by contractor CBI Construction at Woodside's project on the Burrup Peninsula in Western Australia. In 2008, CFMU officials demanded that CBI make the workers redundant and rehire them at the same site, as per the union's industrial agreement, after Woodside awarded CBI additional work. When CBI refused, workers struck on October 14, 2008 and were ordered back to work by the Australian Industrial Relations Commission (which was later incorporated into Labor's Fair Work Australia tribunal). In defiance of the order, 117 workers walked out again, this time for up to 8 days from October 17 in what was deemed "unprotected" industrial action.

The now defunct Australian Building and Construction Commission (ABCC) initiated the charges under the former Labor government of Kevin Rudd. Rudd won the 2007 election on a wave of hostility to the anti-working class policies of the conservative Howard government—in particular, to its hated "WorkChoices" industrial relations legislation and to the ABCC, which wielded coercive powers to question and penalise individual workers for taking industrial action. Once in office, Rudd retained the ABCC until March 2012, when he transferred all its powers to the FWBC, which seamlessly continued the prosecution of the striking workers.

Since the Abbott government appointed Hadgkiss as FWBC chief in October 2013, the number of cases and investigations has increased dramatically to 136. Union official “right-of-entry” breach cases have increased from four to 55 and “coercion” cases have more than doubled, from 14 to 30. “Coercion” includes employees calling on other workers to take strike action. “Unlawful industrial action” cases have doubled from 16 to 32, including 76 workers under investigation for going on strike at the New Children’s Hospital in Perth and 31 at a project in Brisbane.

Now Abbott is planning to reinstate the ABCC in order to intensify this assault on the working conditions and rights of construction workers. The Master Builders Australia Association has called for the revived ABCC to have “more robust enforcement” powers to suppress strikes

Primary responsibility for this escalating offensive lies with the Labor Party and the trade unions. During the lead-up to the 2007 election campaign the unions organised a “Your Rights at Work” campaign, which promoted the lie that Labor’s proposed Fair Work Australia legislation would “safeguard the rights of workers.” In reality, Labor’s laws maintained and strengthened all the anti-strike measures, while giving the unions an enhanced role as their enforcers.

The purpose of the “Your Rights at Work” campaign, which was backed by all the pseudo-left groups, such as Socialist Alliance and Socialist Alternative, was not to defend workers but to channel and divert opposition to the Howard government behind the election of Rudd Labor, and ensure that an incoming Labor administration would face no mass movement of the working class. Under the auspices of the union campaign, strike action anywhere was virtually eliminated, making 2007 the year of the lowest level of strikes in Australia’s history, with just 47,000 working days lost. In 1974, amid an offensive of the working class for higher wages and improved conditions, in Australia and internationally, some 6.3 million days were lost.

Commenting on last week’s court order, CFMEU national secretary Dave Noonan cynically noted that the judgment targeted individual workers, not the union. “This demonstrates the construction industry laws are not about attacking so-called union bosses, they are about attacking ordinary working Australians,”

he said. “These are fascist laws.” Far from mobilising the union membership, and the working class as a whole, against this unprecedented attack, Noonan proceeded to whip up divisions, asking why the same “fascist laws” were not being used against Fairfax Media journalists, who carried out a brief walkout last month over another round of redundancies. “Is the government going to sue them and seek to sequester their assets as well, or are building workers second-class citizens?”

The government-corporate offensive against jobs and conditions has not been confined to construction workers. By the start of this year, over 192,500 full-time jobs had been destroyed since August 2008. The entire car manufacturing industry—Ford, General Motors and Toyota—is slated for closure by 2017, threatening hundreds of thousands of jobs; the Abbott government has continued the cuts to the public sector implemented by the former Gillard government; and thousands of workers have been laid off in the retail and the mining industries.

The unions have collaborated with the corporations to implement every one of these job cuts, and they are now, like their colleagues in Europe and the United States, working to impose outright wage cuts on their members. Two months ago, the CFMEU won praise from employers and the *Australian Financial Review* for proposing a draft enterprise work agreement for Western Australian construction workers that reduces labour costs by up to 20 percent via cuts to pay, allowances and redundancy entitlements.



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