# Australian dock union goes to court to seek deal on Hutchison sackings

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The Maritime Union of Australia (MUA) today sought a Federal Court injunction to require Hutchison Ports to "adequately consult" the trade union over last week's sacking of nearly half the company's workforce at its Sydney and Brisbane container terminals.

The move is similar to the MUA's legal manoeuvre in its historic sellout of the 1998 Australian waterfront dispute, which paved the way for the decimation of the jobs, conditions and basic rights of dockworkers over the past 17 years.

Far from fighting to defend the jobs of the 97 workers who were dismissed by Hutchison via late-night text messages and emails, the MUA is seeking a deal for the retrenchments to be implemented via what the union calls "objective and fair negotiated redundancy selection processes."

Announcing the legal case, MUA national secretary Paddy Crumlin said: "The MUA is taking this Federal Court action because the union and the Australian public don't think it's good enough to sack your workers at midnight by text and email."

This is cynical posturing. While ostensibly calling for a temporary halt to the sackings, and the reinstatement of the 97 workers, the union's injunction is a bid to reach a settlement with the giant global company.

The MUA's legal case charges Hutchison with breaching its existing enterprise agreement with the union by "lack of adequate consultation with respect to redundancies" and "ignoring the dispute resolution clause."

Through the activation of these clauses, the MUA wants Hutchison to negotiate with the union's officials, so that enough workers can be pushed out the door via "redundancy selection processes" designed to protect union officials and supporters.

That would enable the MUA to call off the strike and pickets at Hutchison's terminals, which have been maintained by sacked workers and their supporters for six days, in defiance of two return-to-work orders by the federal government's Fair Work Commission (FWC) industrial tribunal.

The stand taken by the Hutchison workers threatens to become a flashpoint for a wider struggle in the working class against the avalanche of job losses, wage cuts and overturning of working conditions. This has fuelled the crisis of Prime Minister Tony Abbott's government, which is under mounting pressure from the corporate elite to unleash a far deeper assault on workers' rights, as well as social spending, amid a rapidly worsening economic situation for Australian capitalism.

Hutchison is one of the world's largest container terminal operators, running highly-automated dockyards in 52 ports, spanning 26 countries. It is seeking to join a new wave of job destruction, utilising remote-control technology, to match that of its main Australian rivals, DP World and Asciano's Patrick stevedores. This offensive is escalating the devastation of jobs and conditions that was set in motion by the MUA's 1998 betrayal.

In 1998, the MUA used a similar injunction application, which went all the way to the High Court, as a means of shutting down a major political confrontation between the working class and the Howard Liberal-National government, which helped orchestrate the mass sacking of 2,000 waterside workers by Patrick stevedores.

To this day, the MUA and its apologists have hailed the 1998 settlement as a "victory" for workers, as well as the union. In reality, the MUA used its legal case as a vehicle for striking a deal with Patrick to eliminate 650 permanent jobs—nearly half Patrick's workforce—increase crane rates to up to 26 an hour, and allow greater use of casuals.

The MUA's 1998 betrayal extricated the Howard government from a deep political crisis, triggered by widespread public support for the sacked workers, and set a benchmark for the destruction of jobs and conditions

that totally transformed the waterfront.

Under the previous Hawke Labor government's "waterfront reform program," the maritime unions had already helped impose sweeping restructuring across the country's ports from 1987 to 1991, driving up crane container movements from 14 to 23 per hour and halving full-time employment from 8,300 to 3,800.

The 1998 sellout, however, was a qualitative turning point. Since then, the MUA has collaborated, in one enterprise agreement after another, with company demands for greater workplace "flexibility," downsizing, casualisation and the erosion of working conditions.

Today, more than 50 percent of the workforce consists of casuals, forced to work irregular hours, any time, 24/7. In fact, many of the workers sacked by Hutchison last week originally took jobs with the company in the hope of getting permanent work for the first time in their lives!

According to a Container Stevedoring Monitoring Report issued by the Australian Competition and Consumer Commission (ACCC) last November, this process has delivered a bonanza to the employers at the expense of maritime workers. By the ACCC's estimates, real unit costs have fallen by 42.1 percent since 1998–99, and labour productivity has more than doubled, from 22.4 to 45.6 containers per hour.

The ACCC, an arm of the federal government, paid tribute to the impact of the 1998 sellout. "These improvements build on significant historical achievements in industry performance since the waterfront reforms of 1998," it reported.

The MUA publicly welcomed the report. On the union's web site, Paddy Crumlin reiterated the ACCC's praise for "the waterfront reforms of 1998" and declared: "The MUA is committed to continuous improvement at our ports."

This is a pledge by the MUA to deepen its role as the industrial police force over dockworkers, in return for an ongoing place at the corporate table. The MUA epitomises the transformation of the entire trade union movement over the past three decades. Once organisations that sought to eke out concessions for workers, in order to keep them tied to the system of wage labour, they are now apparatuses that demand that workers give up past hard-won gains in order to boost corporate profitability.

Australian unions are presiding over the lowest rate of industrial action in the post-World War II period, and the lowest wage rises in recorded history, producing real pay cuts across the board. Politically, the unions are fighting to channel the growing discontent of workers back into the arms of the Labor Party, the same thoroughly big business party that initiated the assault on waterfront workers in the 1980s.

The MUA even invited Labor leader Bill Shorten to the Sydney picket, where he cynically postured as a friend of the working class. Shorten's record, as a leader of the Australian Workers Union from 1998 to 2007, included abolishing wage penalty rates for low-paid casual cleaners. As a key minister in the Rudd and Gillard Labor governments, Shorten personally intervened to shut down dockworkers' struggles and oversaw the axing of thousands of jobs throughout many industries.

During the 1998 dispute too, Labor politicians continually trooped down to the pickets at the Patrick terminals to proclaim their support for the workers and to cover up the betrayal that was being prepared behind the scenes.

Serious political lessons need to be drawn from these historic experiences. The struggle to defend jobs and conditions requires a political break from the trade unions and the Labor Party. Hutchison workers, and workers in all industries, need to form their own independent rank-and-file committees and turn to other sections of workers in Australia and internationally facing similar attacks.

For this, a new political perspective is required, based on the fight for a workers' government and socialist policies. The banks and major corporations, including the ports conglomerates, must be nationalised under democratic workers' control, in order to utilise the vast economic and technological resources created by working people themselves—such as automated cargo handling—to meet the needs of the majority, not the profit demands of the wealthy few.