

Australian industrial court bans port strikes

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The Australian federal government's industrial court, the Fair Work Commission (FWC), on Friday ordered a suspension of all industrial action by port workers at sites operated by Patrick Stevedores in Sydney, Melbourne and Brisbane, and imposed a 35-day "cooling off" period.

The Maritime Union of Australia (MUA) called 24-hour strikes at all Patrick's terminals last Monday, in the first national port strike since the union's betrayal of the 1998 waterfront dispute. Further strikes, including a 48-hour stoppage at Patrick's Port Botany terminal in Sydney and four-hour stoppages in Brisbane and Melbourne, had been planned for the beginning of next week.

The FWC's intervention follows a campaign by the company, the financial press and Prime Minister Malcolm Turnbull's government to present the union's demands for improved pay and conditions as "unreasonable" and any strike action as a potential threat to the national economy. Patrick controls 45 percent of the waterfront industry nationally.

Federal Employment Minister Michaela Cash declared last week that strike action should be a "last resort" and "never be used to promote unrealistic claims which run contrary to the long-term interests of employees."

In line with the FWC's subsequent ruling, Cash declared: "Freight, rail and port logistics play a crucial role in ensuring Australia remains productive and competitive in an increasingly globalised economy. Actions that compromise productivity and put our international reputation at risk do nothing to serve the national interest."

Cash said the government would not intervene in the dispute at that point, but did not rule out future intervention. Under the Fair Work laws introduced by the previous Labor government in 2009, and backed by the trade unions, the government has sweeping powers

to end any industrial action that "has threatened, was threatening, or would threaten to cause damage to the Australian economy" or would cause significant economic harm to the employer or threaten to endanger the welfare of any part of the population.

The unions have invariably used these and other draconian conditions of the Fair Work Act to intimidate workers, shut down industrial action and then broker agreements along the lines demanded by the employers. The MUA has enforced round after round of job losses that have decimated the waterfront workforce and eroded its conditions.

The current industrial action is part of a long-standing dispute between the company and the MUA over a new enterprise bargaining agreement (EBA). Negotiations began last April amid growing anger among dockworkers over casualisation and fears of further redundancies. In an industrial ballot at the beginning of December, 83 percent of Patrick's 878 dockworkers voted for strike action.

The MUA only called for the strike action after having secured a deal for redundancies and further restructuring at ports owned by Hutchison Ports in November. The MUA will undoubtedly use the Fair Work Commission's decision as the pretext for seeking a deal through closed-door discussions with Patrick.

Foreshadowing such an outcome, Patrick's human resources director Alex Badenoch responded to the court decision by stating: "It's pretty realistic we can reach an agreement during that period, but it will be tough." The union has not commented on the decision or issued any statement.

During the EBA negotiations, the MUA has reportedly demanded a cap on casualisation, along with a three-year, annual 5 percent pay rise across the board. At the Port Botany terminal it has called for 35 hours' pay for a 32-hour working week and an increase in penalty rates for weekend work. Patrick's management

has branded the demands “unrealistic.”

The dispute emerged amid preparations for the sale of the Australian Stock Exchange-listed company, Asciano, which owns Patrick along with other major concerns. In August, Brookfield Infrastructure, a Canadian firm, and Qube Logistics both made bids of \$9 billion for Asciano. The Australian Competition and Consumer Commission is evaluating both bids, with a decision to be handed down after February 18.

The prospective new owners are demanding further inroads into the conditions of port workers. The *Australian Financial Review* on Tuesday noted that both bidders have “made plain” that they would be hostile to any EBA involving the “signing away of any future management prerogatives”—that is, limiting their ability to restructure jobs and conditions.

The union has indicated that it is not seeking a confrontation, but rather more closed-door talks. MUA assistant national secretary Will Tracey said this week: “Action was only taken as a last resort because the company cancelled a number of meetings after a period of obfuscation and belligerent obstruction.”

The MUA’s claims to defend jobs and conditions are an utter fraud. In reality, the union has played the central role in enforcing waterfront restructuring, working hand-in-hand with management and successive governments against the workers they falsely claim to represent.

In what was a major turning point, the MUA struck a deal with the Howard Coalition government and Patrick Stevedoring in 1998 to end a six-week waterfront dispute. That betrayal was rapidly followed by the elimination of more than 650 jobs—almost half of the company’s permanent workforce—and opened the way for successive EBAs featuring further casualisation, sackings and restructurings involving ever-greater automation.

In 2012, the union called off industrial action after an intervention by Labor Workplace Relations Minister Bill Shorten. It entered into “conciliation” with the company at the Fair Work Commission and struck an EBA covering four of Patrick’s ports. The union cut its pay claim from 10 percent per year to 4.5 percent, conditional on productivity improvements, and agreed to the removal of limits on contract and casual labour.

Immediately after the deal was struck, the company announced 270 job cuts through the introduction of

automated straddle cranes to slash costs by \$50 million annually. The MUA claimed to be “shocked,” even though it had been in behind-the-scenes negotiations over the EBA for two years, and had collaborated in similar automation measures at other sites.

Last August, after Hutchison Ports sacked 97 workers by text and email, the MUA initiated limited strike action, while turning to the courts and back-room talks in a bid to wear down the port workers. In November, the union secured a deal for the destruction of 65 jobs, an extension of the working week from 30 to 32 hours and the expansion of casualisation. The betrayal involved the collaboration of the entire union bureaucracy, including the Australian Council of Trade Unions, along with the Labor Party and pseudo-left organisations.

Port workers should draw the political lessons from these experiences. The only way to oppose the stepped-up assault on jobs and conditions being demanded by the entire political establishment is through a rebellion against the thoroughly corporatised trade unions and the establishment of rank-and-file factory committees aimed at uniting all port workers, along with other sections of the working class.

Above all, a new political perspective is required, based on the fight for a workers’ government that would carry out socialist policies, including the nationalisation of the ports and other basic industries under the democratic control of the working class.



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