

# Australia: Fair Work Commission bans Monday's NSW rail strike

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This afternoon, the Fair Work Commission (FWC), Australia's pro-business federal industrial tribunal, imposed a ban on next Monday's scheduled strike of 9,000 rail workers across Sydney and the state of New South Wales (NSW). The court also ordered an immediate end to all industrial action by train staff over the next six weeks, including indefinite overtime bans that began this morning.

The judgement upheld applications by the state Liberal-National government and Sydney Trains to terminate the stoppage on the grounds that it was a "threat" to the economy and to the safety of the public.

The deeply anti-democratic ruling is one aspect of a desperate attempt by the ruling elite, and all of its political representatives—the state and federal governments, the media, the Labor Party, the Rail, Tram and Bus Union (RTBU) and the entire union bureaucracy—to suppress industrial action by rail workers.

They are terrified that the struggle of NSW train staff against the government's attempts to slash wages, cut conditions, and destroy jobs, could become the focal point of a broader movement of the working class in opposition to the austerity dictates of big business, enforced by Labor, the Liberal-Nationals and the corporatised unions.

The Fair Work ruling makes clear that train staff are in a political struggle against the entire official establishment. To defend their social rights rail workers must reject the Fair Work judgement for what it is: a desperate attempt by the government and the corporate elite to criminalise a legitimate struggle by workers against sweeping cuts to their rights and conditions.

Defying the court order, however, poses the urgent necessity of a rebellion against Labor and the unions, and the establishment of new organisations of struggle, including rank-and-file committees, to organise strike action, turn out to other sections of workers and prosecute a political fight against the government.

Labor and the unions claim that the FWC is a neutral arbiter, whose rulings must be "respected." In line with this bogus argument, the RTBU issued a statement this

afternoon, declaring that it would "always adhere to Fair Work Commission rulings."

The FWC was established by the federal Labor government of Kevin Rudd in 2009, with the full support of the unions, as part of a broader package of draconian industrial legislation. It was invested with sweeping powers to illegalise strikes and industrial action, victimise workers and impose massive cuts to wages and conditions.

Since then, the FWC has acted as a battering ram for the corporate and financial elites against the working class. Labor and the unions have used the commission to suppress strikes and other workers' struggles and to enforce the demands of big business, on the fraudulent pretext that it is an "independent umpire" that will give workers a fair hearing.

In December, 2016, for instance, the Electrical Trades Union triggered FWC arbitration in a dispute with Essential Energy, clearing the way for the court to rule in favour of 1,600 job cuts over two years.

Over the past year, the type of forced arbitration promoted by the unions has also been used to sack 83 striking Anglo-American miners, and to terminate the existing enterprise agreement at AGL's Loy Yang A power plant in Victoria's Latrobe Valley, creating the conditions for unprecedented wage cuts. Labor state governments in Victoria and elsewhere have repeatedly issued applications for the FWC to terminate industrial action.

Labor and the unions' support for the FWC is one aspect of the mechanisms that have been used to suppress workers' industrial and political struggles for decades.

Throughout today's hearings, lawyers for the RTBU repeatedly confirmed that the union was seeking to strike a sell-out agreement with the Liberal-National government. They warned the FWC that a ban on industrial action would "inflare" rail workers, a veiled reference to the prospect of a rebellion, not just against a ruling by the tribunal, but also against the rotten manoeuvres of the union.

Union lawyers also made clear that the purpose of the strike, as far as the RTBU is concerned, is not to wage a

genuine struggle against the government's cuts. Instead, they said, it was aimed at having a "facilitatory effect" on bargaining. In other words, the purpose of limited industrial action is to let off steam, while the union bureaucrats prepare a betrayal in closed-door discussions with the government.

The RTBU lawyers reportedly touted the government's offer on an enterprise agreement this week as a positive outcome of the threatened strike. In reality, the deal, rejected overwhelmingly by workers in a union-organised text message ballot on Tuesday night, would have allowed rail authorities to press ahead with major cuts to wages, conditions and jobs.

The agreement included a wage rise of just 2.75 percent per annum, barely in line with the rate of inflation. The government declared that the rise of .25 percent above the public servant pay cap of 2.5 percent per annum was in exchange for productivity savings, i.e., deeper cuts to workers' conditions.

The one-page summary of the deal released to workers did not mention chronic staffing shortages, resulting from union enforced job cuts. These have resulted in workers performing forced overtime for days on end. Nor did it mention rostering, which has seen some staff work more than 12 consecutive days a fortnight, or any of the other onerous conditions facing rail employees. The union has also signalled that it will back further privatisation measures, by calling for "redeployment" clauses for workers affected by the sell-off of state rail operations.

RTBU Secretary, Alex Claassens took part in closed-door negotiations with Liberal-National Premier Gladys Berejiklian and other government representatives today. Claassens has, since the Fair Work ruling, again appealed to Transport Minister Andrew Constance to "come to the table" with the offer of a new sell-out agreement.

Berejiklian's direct intervention followed warnings from NSW Labor leader Luke Foley, who has collaborated closely with the RTBU, that the government had "lost control of the railways." Foley tweeted today that he was "extremely disappointed that a passenger rail strike will occur on Monday," and called on the Premier to take action to prevent it.

In other words, both Labor and the unions are no less committed than the government to maintaining "control of the railways," i.e., preventing a genuine struggle by railway workers against the conditions they face.

The RTBU's claims that the election of Labor governments at the state and federal level would improve the lot of rail workers are a sham, as demonstrated by Labor's entire record as a party of big business. This included the corporatisation of the NSW rail system by NSW Labor governments, in office from 1995–2011, thousands of

sackings, the closure of rail facilities and the privatisation of state-owned freight train services.

The FWC ruling, along with the machinations of Labor and the unions, make clear that workers must take the struggle against the government cuts into their own hands by defying the ban, and initiating an industrial and political counter-offensive. As today's judgement shows, such a fight will immediately come up against the combined forces of the government, Labor, the unions, the courts and the capitalist media.

To combat this, rail staff must establish their own organisations, including independent rank-and-file committees. These would turn out to other sections of workers for combined action, including Sydney bus drivers facing the privatisation of inner-west services, freight staff confronting similar attacks and ferry workers suffering onerous conditions after privatisation was pushed through in 2012.

Appeals to commuters and other sections of workers would win immense support. Amid the lowest wage growth in six decades, and soaring inequality, exemplified by the fact that the richest one percent of the population controls more wealth than the poorest 70 percent, broad sections of workers are being propelled into social and political struggle.

What is required, above all, is a new political perspective, which rejects the subordination of transport, along with every area of social life, including workers' jobs, wages and conditions, to the dictates of a rapacious financial elite. This means the fight for the reorganisation of society by the working class through the establishment of a workers' government to implement socialist policies, including placing the corporations, the banks and transport under public ownership and democratic workers' control.



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