

# Australia: Locked-out Glencore coal mine workers face new provocations

**Terry Cook****26 February 2018**

Australia's Fair Work Ombudsman (FWO) has intervened directly into the long-running dispute at Glencore's Oaky North coal mine at Tieri, Queensland. Over 170 workers have been locked out since last July, when they took limited industrial action over a new enterprise bargaining agreement.

The FWO informed the Construction Forestry Mining and Energy Union (CFMEU) last month that it had begun a formal investigation into an ongoing roadside protest by the locked-out workers near the mine site.

The FWO and the Fair Work Commission (FWC) industrial tribunal were established in 2009 as part of the former Labor government's Fair Work Act. The draconian and pro-business industrial legislation was fully endorsed by the trade unions.

These laws virtually ban all strikes and industrial action, except those occurring during enterprise agreement negotiations, and then only after workers conclude a lengthy process, including secret ballots. Majority votes for industrial action must be ratified by FWC to allow what is deemed "protected action." Companies, however, can lock out workers at any time during a dispute.

The FWO told the CFMEU it is assessing whether sections of the Fair Work Act "have been, or continue to be, contravened" by the union and the locked out workers.

The legislation bans "adverse action, coercion, undue influence or pressure, coercion relating to industrial activities." In other words, workers cannot take any action against company strike-breaking, including, in the case of Oaky North dispute, replacing locked-out workers with contract labour.

The FWO has ordered the CFMEU to provide all documents relating to the protest, along with video and audio recordings of "shouting and chanting, spray

painting the road, holding up signs, videotaping workers, displaying images of 'Scabby the Rat' or 'RIP', blowing whistles and gesturing at workers and security staff." Scabby the Rat is a plastic blow-up figure that was displayed at the roadside protest.

The CFMEU has also been instructed to hand over all correspondence, including emails, texts and other messaging applications, between union officials, delegates and workers related to the dispute.

It must also surrender minutes of union meetings, diary entries and the GPS records from vehicles used by CFMEU officials involved in the picket, as well as all details relating to the provision of food, electricity, tents, portable toilets, signs and T-shirts worn by the protestors.

This unprecedented intervention will be used by the CFMEU as part of its efforts to pressure the workers into accepting the sort of regressive company-union enterprise agreements imposed at other Glencore mines.

From the outset, the CFMEU, which has 19,000 members in the Australian coal industry, utilised Fair Work's anti-strike provisions, which outlaw all solidarity industrial action by other workers, to isolate the Oaky North miners. The union has ensured that production continues unhindered at Glencore's other coal mining operations.

During the long-running negotiations with Glencore, the CFMEU has brokered several retrograde agreements but, in the face of rank-and-file resistance, has been unable to push them through.

Last month Oaky North workers voted down—by 164 to 11—another "in principle" agreement negotiated by the company and the union at the FWC. It was the third time that workers rejected "offers" that erode conditions relating to severance and retrenchment,

dispute procedures, casual hire, workplace representation and rosters.

The FWO's "investigation" is a fishing expedition, primarily aimed at intimidating the locked-out workers. The agency will no doubt attempt to claim that the protesting workers are breaching the Fair Work laws and could be subjected to individual fines as high as \$10,800 for each breach.

Glencore management this week issued disciplinary notices against 10 locked-out workers, alleging they engaged in misbehaviour while protesting. The accusation could lead to their dismissal.

Early this month, the company applied to the FWC to have the current enterprise agreement terminated. This application would mean that even if the lockout were lifted, workers would be employed under an industry award, on inferior pay and conditions.

In response, the CFMEU last week applied to the FWC to suspend all "protected action" at Oaky North and impose a "cooling off" period while the commission considers Glencore's application.

If the union is successful, the lockout could be lifted. This does not mean, however, that Glencore would drop its application or misbehaviour allegations against the protesting workers. The "cooling off" period, moreover, bans all industrial action during this time. The company and union could then string out negotiations, with production continuing unhampered.

The CFMEU has sold out numerous disputes in the mining industry, facilitating highly regressive work agreements. Most recently at Griffin Coal in Queensland, the union imposed a deal that slashed pay rates by 25 percent and ripped up many conditions. These betrayals have set new exploitative benchmarks that companies will use throughout the sector and in other industries.

The Oaky North miners have taken a courageous stand against the corporate drive to dismantle all past gains. They cannot be left to fight the combined forces of the company, the CFMEU, the capitalist courts and political establishment alone.

Miners and other workers must defy the unions and organise action to break the isolation of the Oaky Creek workers as an important step toward initiating a unified campaign across the entire working class against the employers' offensive.

Such a struggle necessarily means breaking out of the

grip of the unions and Labor, which act at all times to defend the capitalist profit system, and developing new organisations of struggle, including rank-and-file committees under the democratic control of workers.

Above all, what is required is a socialist perspective and the fight for a workers' government that would dismantle all laws restricting workers' rights and place all key industries, including the mining, oil and gas corporations, under public ownership and workers' control.



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