

Australian construction workers facing massive fines for striking

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Process servers last week presented notices of legal action to several workers at their homes over industrial action on Perth Airport rail project sites last December, deemed illegal by the Australian Building and Construction Commission (ABCC), the federal government's industry attack dog.

In all, 44 workers on the Perth projects, now face individual fines of up to \$42,000 for walking off the job to attend "Change the Rules" rallies called by Australian Council of Trade Unions (ACTU). The ABCC is also seeking penalties against the Construction Forestry Maritime Mining and Energy Union (CFMMEU) and three of its officials over the same stoppage.

The ABCC's offensive against construction workers has intensified in the lead up to the May 18 federal election. Earlier this month, the agency initiated legal action against 53 Australian Workers Union (AWU) members at Melbourne's Liberty OneSteel plant who had stopped work to join ACTU rallies in October. The agency also has reportedly written to workers employed at the Sky City Construction project in Adelaide, seeking to interrogate them about participating in union rallies.

Even though the ABCC is supposedly specific to the construction industry, it insists it can punish the Liberty OneSteel workers because the company supplies materials to the building industry. This rationale could be used to target workers across a range of industries.

The ABCC was first introduced by the Howard Liberal-National Coalition government in 2005, armed with far-reaching punitive powers to interrogate, harass and penalise workers to prevent them taking industrial action in defence of jobs, working conditions and basic rights.

In 2012, the Gillard Labor government replaced the

ABCC with the Fair Work Building and Construction (FWBC), with similar repressive powers.

The ABCC was then re-established by the current Coalition administration in 2016 and given the power to pursue fines against construction workers that are three times the previous maximum \$12,600 penalty.

The ABCC's vendetta is enforcing the draconian anti-strike provisions of the Fair Work Act, which was introduced in 2009 by the last Labor government, with the full support of all the trade unions.

These laws make illegal all industrial action other than during narrow "bargaining periods" for a new union-negotiated enterprise agreements. Even to take "protected action," workers must go through a lengthy process, including secret ballots, to obtain permission from the Fair Work Commission (FWC).

Moreover, the FWC can block or terminate "protected" action if it would "cause economic harm to the employer," "cause significant harm to a third party," "endanger safety and welfare" or "cause significant damage to the Australian economy or part of it."

An AWU official told the Liberty One Steel workers that ACTU secretary Sally McManus had pledged that the peak union body would take action against companies that prevented their staff from attending the "Change the Rules" rally.

Not surprisingly, no such action has emerged. The past record shows that the ACTU has no intention of mounting any campaign in defence of the victimised workers. The unions have enforced the Fair Work laws since their inception. Any "action" will be restricted to legal pleading in the Federal Court. If this is unsuccessful, the issue will be dropped and eventually swept under the carpet.

The prosecutions under the Fair Work Act underscore

the fraud of the “Change the Rules” campaign. The ACTU has tried to argue that Fair Work “rules” were “fair and balanced” when first introduced, but have since been “broken” under the Coalition. In reality, the laws are working as they were always intended, as a means of intimidating and straightjacketing the working class.

The laws primarily served as a mechanism for the unions to maintain control over workers while they brokered sell-out deals with employers, and prevent any widespread opposition to the mounting corporate attacks that would cut across the unions’ intimate working relations with big business.

The real purpose of the “Change the Rules” campaign is to divert the seething discontent of workers over falling real wages and the destruction of jobs and working conditions behind the election of yet another pro-business Labor government that will work closely with the unions.

If elected, Labor would keep intact the repressive industrial relations regime. The ABCC would be replaced by yet another anti-working class construction watchdog like Labor’s FWBC.

Labor may introduce legislation to allow some industry-wide bargaining, but only to shore up the position of the increasingly discredited and shrinking unions as industrial police forces.

The decades-long complicity of Labor and the unions in imposing the dictates of the corporate establishment demonstrates the urgent need for the construction of new independent organisations of struggle, such as rank-and-file committees, in every workplace and industry. These will work to mobilise a broad-based industrial and political counter offensive by the working class to defend working conditions and rights, including the unconditional defence of the steel and construction workers under attack by the ABCC.

Above all, the fight must be for a workers’ government that will reorganise society on the basis of socialist policies to meet the needs of all and not the profits of the few. That is the struggle being advanced by the Socialist Equality Party in the federal election campaign.

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