

Australia: Federal Court grants DP World ban on further industrial action by maritime workers

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On application by giant stevedoring company DP World Australia (DPWA), the Australian Federal Court last week issued an interim injunction imposing a ban on further industrial action by 1,800 workers, members of the Maritime Union of Australia (MUA), employed at the company's container terminals in Sydney, Melbourne, Brisbane and Fremantle. The ban will remain in force until March 13 this year.

The application to prevent industrial action was made on the spurious grounds that at least one of the union's claims in bargaining for a new enterprise work agreement was not permitted under the Fair Work Act 2009. It is the latest in a series of provocations by the Dubai-based transnational. The company's actions are aimed at forcing through the raft of regressive demands it has been making since the previous agreement expired in February 2019.

In July last year, even as negotiations were in progress, the company slashed 247 jobs at its Sydney and Melbourne terminals, which were carried out without any opposition by the MUA despite its loud protestations. In January this year, in a bid to intimidate the workforce, the company arbitrarily cancelled the already approved holiday leave of numbers of employees.

DPWA is determined to impose sweeping changes at its terminals to massively drive up productivity and boost profits at the direct expense of the workforce. The company's demands include the scrapping of limits on casual and contract employment, the abolition of a union-operated income protection scheme, ongoing job reductions and other cuts to working conditions. At the same time, it is insisting that workers accept a pay increase of just 2.6 percent per annum, an amount that

does not compensate for rapidly rising living costs such as rent, fuel and electricity.

Following the Federal Court's decision, a spokesman for the MUA, the maritime division of the Construction Forestry Maritime Mining and Energy Union (CFMMEU), declared that the injunction will not only prevent waterfront workers taking legally protected industrial action, but was "an alarming attack on democratic rights that will give companies open slather to strip all Australian workers of long-held workplace conditions."

The union's warning of the far-reaching implications for the entire working class of the offensive being carried out by DPWA is undoubtedly correct. In fact, the company's highly aggressive actions, together with the intervention into the dispute by the Federal Court, telegraphs a new offensive by the employers. Amid a gathering global economic slump and intensifying domestic and international competition for market share, the corporate elite are seeking to slash jobs and conditions to drastically cut costs.

Despite its warning of the consequence of DPWA's attacks, the MUA has refused to organise any unified industrial action by its members across the waterfront, including at other major stevedoring companies such as Patrick and Hutchison. Nor is the CFMMEU organising action by its 100,000-strong membership in key economic sectors, such as construction, mining, energy and timber processing.

In contrast, Patrick and Hutchison have rushed to assist their rival DPWA by taking on some of its work during the current dispute so as to lessen the impact on its clients. Both companies recognise that if the DPWA succeeds in inflicting a defeat on its workforce and

imposes its demands, then it will open the way for similar attacks on the conditions across their operations.

In balloting in March last year, DPWA workers expressed their growing militancy and determination to fight the company's assault by voting 98 percent for a campaign of industrial action, including strikes and work bans.

However, the MUA's abject bowing before the Federal Court's directive makes clear that the union will continue to act as it has done throughout the dispute—containing and suppressing workers' opposition while working feverishly behind the scenes to broker a deal that will be acceptable to the company.

Moreover, the Court's intervention was carried out under the provisions of the highly repressive Fair Work (FW) industrial laws that were introduced in 2009 under the former Labor government with the full support of the unions including the MUA, and the then CFMEU.

The FW laws feature draconian anti-strike provisions that outlaw all industrial action other than so-called "protected action" which is permitted only at the discretion of Fair Work Commission (FWC), the pro-business tribunal, and restricted to the limited bargaining period for new work enterprise work agreements.

Even after workers run a gauntlet of hurdles, including state-controlled secret ballots to obtain the FWC's permission to take any action, the laws contain a raft of provisions that allow the FWC, the government and the Federal Court to terminate industrial action that is deemed to be "damaging" to the company, a third party or the national economy. These union-backed provisions have been used since their introduction by successive Labor and Liberal governments to straightjacket workers and impose regressive outcomes demanded by the employers.

Throughout the dispute at DP World, the union's primary concern has been to prevent the company from moving away from its reliance on the MUA to police the workforce and turning other means to impose its demands. The exclusion of the union from negotiations would jeopardise the MUA's role in bargaining away workers' jobs, wages and conditions—a setup that is an essential part of the privileged and lucrative position of the union officialdom.

The MUA has a long history of sabotaging workers' resistance to the stevedoring companies' cost-cutting demands and regressive workplace restructuring. The way was paved for what has been an ongoing corporate offensive against waterside workers by the MUA's betrayal of the 1998 dispute, when it struck a deal with the Howard Coalition government and Patrick Stevedoring to end a six-week long struggle by workers in opposition to major restructuring across the company's national operations.

The Patrick's sell-out allowed the elimination of more than 650 jobs—almost half the company's permanent workforce—followed by similar conditions being imposed at other stevedoring operations. It opened the way for the massive casualisation of the workforce that exists across the waterfront today.

As the MUA's record demonstrates, the relentless global restructuring offensive that is at the heart of DP World's current attack on waterfront workers cannot be fought through national-based trade unions, which collaborate in the process of making "their" national economies and national-based companies globally competitive.

To go forward waterfront workers need to establish new independent organisations of struggle, including rank-and-file committees, that will work to develop a unified campaign of industrial and political action by all port and stevedoring workers, along with other sections of the working class in Australia and internationally.

Such organisations need to be based on a socialist perspective that rejects the dictates of the profit system and aims to establish a workers' government that will place the ports, shipping and other basic industries, along with the banks, under public ownership and democratic workers' control.



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