

# Australia: Unions, government, Svitzer, industrial courts agree—strikes must be stopped

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The response of Australian Council of Trade Unions secretary Sally McManus to yesterday's Fair Work Commission (FWC) hearing on Svitzer Australia's planned lockout of tugboat workers is an exposure of the unions' allegiance to big business.

McManus condemned Svitzer for "threatening damage to our country's economy" and declared: "Unions have offered a way forward involving stopping all industrial action, but the company is abusing their monopoly power and our broken laws."

At yesterday's hearing, the maritime unions offered to shut down all industrial action until "after Christmas." In other words, in order to prevent disruption to supply chains and corporate profits—caused by Svitzer—the unions are ready and willing to betray workers, who have voted overwhelmingly to strike and to reject regressive offers from management.

The unions oppose the lockout not because it is a brutal attack on workers. Nor is their primary concern the vast numbers of casual, contract and labour-hire workers throughout the maritime and logistics sector whose shifts would be slashed if the lockout goes ahead.

Instead, the unions oppose the lockout because it would cut across the interests of Australian capitalism.

Yesterday's hearing made clear that Svitzer, the union bureaucrats, the government and the industrial courts are all in violent agreement. This was summed up by FWC vice president Adam Hatcher, who remarked: "I think everyone agrees this lockout should not go ahead."

While Svitzer, a subsidiary of Danish shipping giant Maersk, refused to call off the lockout, the company's lawyer made clear that this was because the tugboat operator was seeking termination "without question."

An order to terminate would not only stop the lockout, but prevent any further strikes or industrial action by workers in the course of the dispute. A new enterprise agreement would then be imposed through arbitration in the FWC.

This underscores the true character of Svitzer's call for a lockout. It is a calculated manoeuvre to provoke the intervention of the FWC and the federal Labor government.

Workers must give their employer at least three days' notice of industrial action, even after going through a protracted bureaucratic voting process, but companies can respond to any action, however minimal, by immediately locking out the entire workforce. Svitzer called the lockout five days ahead to allow time for the government and the FWC to intervene to shut down industrial action.

Given that the unions have pledged to end industrial action and hash out a deal in backroom negotiations with management, one could be forgiven for wondering why a termination order is even necessary. The answer is that Svitzer is not convinced that the maritime union apparatus is capable of overcoming the opposition of workers to the sell-out it has promised to impose.

The unanimity expressed in yesterday's hearing makes clear the lineup of forces that Svitzer workers confront: A joint offensive of management, government, the industrial courts and the union bureaucracy.

Tugboat and maritime workers be warned. Your industry has a history of bitter struggles. Almost a quarter of a century ago in 1998, Patrick Terminals and the Howard government employed security guards to invade the wharves, forcing waterside workers out of their jobs.

The violence of the ruling class, however, was not what subsequently resulted in the halving of jobs on the waterfront, the destruction of penalty rates, the casualisation of jobs and the driving up of exploitation. One of the very same unions that features in today's dispute, the Maritime Union of Australia (MUA), diverted the struggle into the courts and then forced workers to accept the dictates of the company and the government.

This poses the urgent need for workers to take matters into their own hands and build new organisations of struggle. Rank-and-file committees, democratically run by workers

and completely independent of the unions, are the only mechanism through which workers can exert their immense power as the only productive force in society.

Unlike Svitzer executives, tugboat workers are essential to port operations and are therefore in a powerful position to wage a genuine fight for improved wages and conditions and to win the support of major sections of the working class. But this is impossible within the framework of the unions, whose role is to protect Australian capitalism from any such fight.

Svitzer's provocative manoeuvre is not only directed at its own workers. It is a class attack on the already extremely limited legal rights of workers to strike. Through rank-and-file committees, Svitzer workers could reach out to the broadest layers of workers, throughout the maritime sector and beyond, to mount a unified struggle against the industrial courts and the draconian laws they enforce.

The Fair Work Act, which was imposed by the union-backed Rudd-Gillard Labor government in 2009, prohibits strikes except during enterprise bargaining periods and empowers the FWC to shut down industrial action on the basis that it "has threatened, is threatening, or would threaten to cause significant damage to the Australian economy or an important part of it."

These laws have helped the unions suppress the class struggle for more than a decade and have seen industrial action plummet to record lows. But as living conditions have become more and more difficult for workers, unions have been forced to relent to workers' demand for strikes.

The Svitzer dispute is a demonstration of the growing intransigence of workers. Despite a pay freeze of almost four years, and the efforts of the maritime unions to grind them down by restricting them to sporadic, isolated and limited industrial action, Svitzer workers have refused to accept a rotten agreement.

Svitzer has demanded that workers accept a pay "rise" of just 1.5 percent per annum, far below the official inflation rate of 7.3 percent, and is demanding sweeping changes to conditions, including reductions to manning levels, increased workplace flexibility through greater use of casual labour and the slashing of full-day minimum shift lengths for casuals.

The Labor government and the unions are conscious that the anger and frustration of workers will only become more difficult to contain as wages fall further behind soaring inflation and interest rates. Over the past year, real wages across Australia dropped 4.2 percent, the largest decline on record.

The Labor government is attempting to rush its "Secure Jobs, Better Pay" bill through parliament in order to grant the FWC even greater powers to intervene in industrial

disputes, shut down strikes and impose the slashing of wages and conditions demanded by business through arbitration.

McManus, like Workplace Relations Minister Tony Burke, said the Svitzer dispute demonstrated the urgent need for industrial relations reform. McManus said: "The longer it takes for our workplace laws to change, the more employers will rush to use and abuse the loopholes."

But arbitration and the banning of strikes by the industrial courts alone will not be enough to suppress a movement of the working class. Increased powers for the FWC will merely provide ammunition for the real enforcers of the state, the trade unions.

Through their enthusiastic endorsement of the proposed industrial relations legislation, the unions are pledging to continue the role they have played for decades as the policing agency of the assault on working-class jobs, pay and conditions.

Tugboat and maritime workers cannot fight this battle alone. Workers throughout the country and globally face impossible workloads, dangerous working conditions and below inflation wage offers. New South Wales nurses are on strike next Wednesday, for the fifth time this year, teachers have been limited to one-hour protest stunts, Australia Post workers face ramped-up delivery demands and all workers confront rising interest rates and costs. To join together, workers must form their own committees and organise and discuss freely and openly.

To discuss such a counter-offensive, the Committee for Public Education and Health Workers Rank-and-File Committee, rank-and-file networks supported by the Socialist Equality Party, are holding a joint online public meeting this Sunday, November 20.

Titled, "Unite educators and health workers: Oppose the ending of COVID protection measures! Lives before profit!" the meeting will outline a political perspective, including the building of rank-and-file committees, to unify health workers, educators and other sections of workers in the fight for safety, decent wages and conditions, and the elimination of COVID-19. Register now: <https://bit.ly/3CRCuOh>



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