

Western Australian industrial court hands down record fine for nurses' strike

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9 June 2023

On May 26, the Western Australian Industrial Relations Commission (WAIRC) ordered the Australian Nursing Federation (ANF) to pay a \$350,000 fine over a one-day strike by around 4,000 public sector nurses in November. The tribunal also levied a \$10,000 penalty against ANF secretary Janet Reah.

This is more than 35 times greater than the largest fine previously ordered against a union in Western Australia and amounts to about one third of the ANF's annual revenue.

The ruling was designed to send a clear message to workers in the state and throughout the country that any opposition to the deepening assault on the jobs, wages and living conditions of the working class will be met with harsh retribution.

As is the case throughout the country and globally, nurses in Western Australia (WA) face chronic staff shortages, low pay and dire conditions. For more than three years they have been on the frontline of the COVID pandemic, which brought to its knees a public health system that was already crumbling after years of cuts by Labor and Liberal-National governments.

Late last year, confronted with yet another cut to real wages by the state Labor government, WA nurses rejected a sell-out deal negotiated by the ANF, containing a sub-inflationary 3 percent nominal wage increase, and demanded action. Immediately, Labor and the WAIRC intervened, imposing a strike ban and a gag order, preventing workers from speaking to the press. When workers refused to accept the ban and proceeded with the stoppage, the WAIRC threatened to deregister the union.

From the standpoint of Labor and the ruling class, this was not just a matter of slashing wages, but an opportunity to deal a further blow to workers' already

tightly constrained right to strike.

The massive fine dwarfs those issued in New South Wales last year over multiple strikes by nurses and teachers, involving many more workers. Yet it was readily agreed to by the ANF bureaucracy.

After the government presented its case in the WAIRC, the union's lawyers presented no further evidence or testimony, instead informing the full bench that "the remainder of the hearing day could be profitably used by the parties conferring amongst themselves about the future conduct of the matter." The following morning, the tribunal heard that both parties had agreed to settle the case for \$350,000.

Reah presented the WAIRC decision to members as a win, because no workers were fined individually and because the total fine was far less than the maximum applicable penalty of \$36 million.

This immense sum was possible because the state government sought the maximum \$10,000 penalty (increased from \$2,000 by Labor in June) for 3,590 separate contraventions of the strike ban, almost twice the number of workers who actually took part during rostered hours.

The alleged breaches included 1,808 for striking, 808 for members who registered for bus transport to the rally and 939 for workers who were given a meagre \$150 in strike pay by the ANF.

Every single union agrees with this attack on workers. This is demonstrated by the fact that no other union has even mentioned, let alone denounced, the outrageous fine. This includes the other sections of the largest union in the country, the Australian Nursing and Midwifery Federation (ANMF), of which the ANF is part.

The unions' coverup of the fine, a harsh attack on workers' rights that establishes a new benchmark for

what will be imposed across the country, speaks volumes about the role these organisations play.

In fact, the anti-strike ruling is a gift to the union apparatus, which is conscious that fulfilling its duty as suppressor-in-chief of the working class will become increasingly challenging as the chasm between wages and the soaring cost of living continues to grow.

Reah said after the full bench hearing that “future campaigns by the ANF and our members will require higher levels of sophistication and innovation than ever before to ensure we remain within the law.” In other words, the union bureaucracy will do everything in its power to prevent workers from taking any industrial action beyond toothless work bans and media stunts.

In fact, the ANF had already reached this conclusion by December 7, when Reah declared, “We will not be defying any future orders of the WAIRC not to strike.” As a result, while none of the workers’ issues have been resolved, they have been confined to the sidelines of the dispute to wait for a sell-out deal to be cooked up behind closed doors by the union bureaucracy and the Labor government.

While other unions are keeping the WAIRC decision under wraps for now, to head off any demand for the mobilisation of workers against it, they will use it as a threat to warn workers off strike action in the future.

Like the unions, Labor is keenly aware of the need for stepped-up control over the working class, to prevent opposition to its agenda of austerity and war. This is what was behind the industrial relations legislation it introduced late last year, expanding the powers of the Fair Work Commission (FWC), the federal counterpart of the WAIRC, to shut down disputes and impose the demands of big business and government through compulsory arbitration.

This is the continuation of the work of union-backed Labor governments over the past four decades, which have eviscerated the basic workplace rights of workers with harsh anti-strike laws, in order to crush opposition to a deepening assault on working-class jobs, pay and conditions.

The same impulse is reflected in new anti-protest laws rammed through the South Australian parliament by a state Labor government last week, imposing up to three months’ imprisonment for activity that allegedly disrupts “free passage of a public place.”

Labor, which now holds office federally and in every

state and territory except Tasmania, is counting on the unions and the industrial courts to prevent an eruption of social unrest as it slashes jobs, pay and conditions throughout the public sector. The object of these attacks is to cut vast amounts of funding from critical social programs like health, education and welfare.

This poses the need for a fight against the capitalist system itself, under which every aspect of society, including hospitals and schools, is subordinated to the profit interests of the wealthy elite.

In addition to the WA nurses, whose dispute remains unresolved, hundreds of thousands of public sector workers across the country have begun, or have voted for, industrial action against state and federal Labor governments. This includes around 100,000 health workers in New South Wales alone, who last year carried out multiple mass strikes before their struggle was diverted by the union bureaucracy into a campaign to elect a Labor government that is now seeking to impose a sub-inflationary 4 percent pay “rise.”

These workers, and the working class more broadly, need to draw certain conclusions from the experience of nurses in WA. Critical among these is that the struggle for secure jobs with decent pay and conditions cannot be taken forward without a fight against Labor, the industrial courts and the draconian anti-strike legislation they enforce.

Such a fight is impossible while workers remain shackled to a union apparatus that agrees completely with the criminalisation of strikes.

To break this stranglehold, workers need to build rank-and-file committees, independent of union control, in every factory, workplace, hospital and school. This is the only means for workers to democratically develop a plan to fight for demands based on their own needs and those of the working class. Through a network of these committees, workers can link up across sectors, throughout the country and around the world, in a unified struggle for real improvements to pay and conditions, and to defend their basic rights.



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