

# Australian industrial court bans Woolworths picket in Melbourne

Martin Scott

6 December 2024

In a draconian ruling Friday afternoon, the pro-business Fair Work Commission (FWC) ordered an end to picketing outside the Dandenong South Woolworths' warehouse. It is one of four of the supermarket giant's warehouses where more than 1,500 workers have been striking for the past fortnight against brutal working conditions and a pitiful wage offer, amid the cost-of-living crisis.

The industrial tribunal's ruling is a dramatic attack on the basic democratic rights of workers. If allowed to stand, this order creates the conditions for any strike, even one that is legally "protected" under Australia's harsh industrial laws, to be undermined and effectively broken up by the state.

Supporters of the striking workers rallied last night at the Dandenong South facility, amid indications that the company will rapidly seek to break the strike and reopen the warehouse using scab labour. That would further isolate the striking workers at the three other warehouses, and set the stage for similar attacks on their pickets.

Those moves underscore the need for a major mobilisation of the working class, defending the picket and the strike more broadly. The unions involved, however, have signalled their hostility to such a struggle. The United Workers Union (UWU), which covers the striking workers, has immediately complied with the Fair Work order, while the Australian Council of Trade Unions (ACTU) and their affiliates have similarly indicated their acceptance of this attack.

Under the Fair Work Act, Australian workers are only allowed to take industrial action over wages and conditions during narrow enterprise bargaining windows, usually spanning a few months every three to four years, and only with the prior approval of the FWC. Only under these circumstances, or in response to an immediate health and safety threat, are workers legally "protected" from being sacked if they take part in a strike.

Even within this restrictive framework, Friday's ruling was a far-reaching attack, potentially setting a dangerous precedent for workers throughout the country.

FWC deputy president Gerard Boyce found that the UWU's "unlawful picketing" was contrary to "good faith bargaining."

Boyce's interim order prohibits the UWU from: "preventing, hindering, interfering or otherwise obstructing with, or

attempting to prevent, hinder, interfere or otherwise obstruct with, free access to and free egress from" the Dandenong South site, along with three other warehouses owned by the company where workers are not on strike.

The ruling means that, although the strike itself is legal, actually preventing the company from re-opening the Dandenong South warehouse—likely with workers sourced from labour-hire providers or other Woolworths facilities—is not allowed, on the flimsy basis that it prevents the company and union from bargaining fairly.

In other words, the strike is only legal so long as it does not interfere with the ability of the company to continue its operations and profits. Without actually banning the strike, the ruling would render it toothless and futile. This is especially so under conditions where workers are up against a company with more than 8,000 employees in its warehouses, most of whom are covered by different enterprise agreements, meaning they are not allowed to take part in the industrial action.

The ruling demonstrates that the company's strike-breaking attempt earlier in the week was a provocation aimed at creating a pseudo-legal basis to enlist the assistance of the FWC to smash the strike.

With the aid of police, the company sought to forcefully reopen the warehouse on Monday. It bussed in small numbers of scabs, but they were blocked from entering by workers and their supporters at the picket.

The Shop, Distributive and Allied Employees Association (SDA)—a key section of the ACTU—played a key role in the unsuccessful strike-breaking attempt. It had struck a deal with Woolworths that provided a pretext for the company to claim that some workers at Dandenong South wanted to go back to work. The police were mobilised by the state Labor government.

The company's lawyers argued that the strike was a "metaphorical gun" pointed at Woolworths: "It's obstructive, it's either actually preventing vehicles and people from coming on to the site or having the effect of vehicles and people not coming on to the site. There's a picket. It's capricious or unfair. It should be stopped."

Labour law professor Shae McCrystal explained to the Australian Broadcasting Corporation (ABC) ahead of the ruling

that Woolworths' case was "a novel use of bargaining provisions, we've not seen them used like this before."

Despite the unprecedented and draconian character of the ruling, the UWU bureaucracy has already shown that they will go along with the order and with whatever else the FWC determines in attacking the strike.

In accordance with the order, the union issued a public statement declaring, "The UWU no longer authorises or supports any obstruction of access to, or egress from, the Sites." UWU members were warned against inciting others to do so, including through social media.

The UWU leadership went even further than what was required by the FWC. Community picketers told *World Socialist Web Site* reporters at Dandenong South last night that the union had held a meeting earlier, at which workers were advised to disband the strike and go home, although nothing in the order prohibits them from remaining at the site, as long as they don't block the driveway.

This should be seen as a stark warning for striking Woolworths workers, not only at Dandenong South, but at the other three shuttered warehouses, as well as those at Lineage Cold Storage, a key supplier to the company. The UWU leadership is preparing to use the FWC ruling as a pretext to shut down the strike and push through a sell-out deal.

In fact, the UWU's actions throughout the week have created the conditions for the strike to be smashed. The UWU deliberately isolated the striking workers from the rest of the union's more than 140,000 members, not saying a word on its social media accounts about the company's strikebreaking efforts and blocking any broader mobilisation of workers in support of the strike.

What the union did choose to post on social media as this was unfolding is revealing: an ongoing promotion of Labor MPs and ACTU leaders—some of the very forces that were plotting behind-the-scenes to smash the strike.

While Woolworths was trying to break the strike through brute force, and enlisting the aid of the industrial courts, the union bureaucracy stepped up its opaque backroom discussions with the company and the federal Labor government, aiming to broker a rotten deal.

The FWC ruling and the UWU's response to it underscores that the perspective presented to workers by the trade union bureaucracy, of limited pickets and endless backroom negotiations with the company aimed at stitching up a sell-out, is a dead end.

This underscores the urgent need for Woolworths workers to take matters into their own hands. On Thursday, the Socialist Equality Party issued a statement entitled "Build rank-and-file committees to expand the Woolworths struggle! Mobilise workers to defeat the company's strike-breaking operation!"

It explained: "The urgent and immediate task of these committees is to establish connections with broad layers of workers at other Woolworths warehouses, Coles and

throughout the logistics sector. Plans must be prepared and put in place to ensure that any further management-police attacks, at Dandenong South or elsewhere, are met with a mass picket.

"The strike must be expanded across all warehouses owned by Woolworths and its suppliers, as well as its main competitor Coles. While Woolworths employees across the country are impacted by the brutal 'Framework,' similar punishing regimes are in place in warehouses everywhere and the cost-of-living crisis is universal." Such a mobilisation can only be developed in opposition to the industrial courts, the state and federal Labor governments and their aligned union bureaucracies, including in the UWU.

While blocking such a mobilisation and collaborating with the ACTU and Labor forces involved in attacking the strike, the UWU has already signalled its willingness to accept minor increases to the company's paltry pay offer.

It has called for the abolition of the "Framework," a punitive work regime, involving impossible targets and continuous monitoring. However, the UWU has said nothing about the increasing ubiquity of such conditions throughout warehousing, or how that trend will be combatted beyond a formal lifting of the "Framework," which the company would inevitably seek to replace with something very similar.

The SEP statement pointed to the need for workers to formulate their own demands, based on what they need, not what the company and the union says is possible. These must include an immediate pay rise of at least 25 percent and equal pay for equal work across all Woolworths warehouses.

The fight against the framework should be based on a repudiation of the "whole concept that workers must have every last drop of blood squeezed from them in order to satisfy corporate profit demands must be repudiated." The SEP raised the need for a fight for "Workers' control of production! Safe, sustainable pick rates would be determined by rank-and-file committees for the purpose of setting staffing levels and rosters, not punishing and humiliating workers."

We appeal to workers seeking to defend the strike to contact us and discuss these issues today.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**