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For rank & file control of the MUA - Nationalise the maritime industry under workers' control

Issue 33, June 4, 2007

Howard pretends to make WorkChoices "fairer" . . .

John Howard introduced his WorkChoices amendments into Parliament on May 28. They include a so-called "Fairness Test" - that "fair" compensation be provided for giving up overtime, penalty rates and other conditions. In reality this "test" is a fraud.

The ACTU has correctly pointed out that there are around 2.5 million workers who will not be covered by the "test" because they are on already-registered AWAs & Agreements, earn more than \$75,000 a year or are award-free.

. . . while Labor backflips on WorkChoices & AWA repeal

Labor leaders Kevin Rudd and Julia Gillard like to talk a lot about throwing out Australian Workplace Agreements (AWAs) and WorkChoices "lock, stock and barrel". Unfortunately the reality of current Labor policy is very different from their rhetoric.

The Clayton's AWA repeal

In mid-May Rudd met with the heads of various mining companies. The result was a promise to replace AWAs with another form of individual contract that includes a safety net of a few minimum conditions.

Rudd and Gillard have also talked about a five-year-plus AWA transitional mechanism that could see workers stuck on AWAs for up to two terms of a future Labor government.

WorkChoices' right to strike restrictions to stay

Labor adopted its new industrial relations policy package (*Forward with Fairness*) at the April ALP National Conference. These "fair" policies keep in place many of Howard's right to strike restrictions.

Only after a collective agreement has expired and "genuine bargaining in good faith" has taken place will protected legal industrial action be allowed to take place. And even that will only be legal under certain circumstances.

There is no guarantee that workers will be financially better off than if they stuck to an existing award.

The new "Fairness Test" is nothing but a political stunt designed to boost the poor standing of Howard and his government in the opinion polls.

The Howard government and its WorkChoices laws have to go. The union movement must accept nothing short of a total repeal of every anti-worker and anti-union provision within WorkChoices.

Any industrial action during the term of a collective agreement will be illegal. This will allow bosses to freely victimise delegates, maintain unsafe work sites or restructure the workplace - and workers will not be allowed to strike in their own defence.

Strikes in support of industry-wide agreements will be banned, as will bosses paying workers any strike pay.



Even work time rallies like the ACTU's anti-Work Choices national protests will be illegal under Labor.

Rudd to keep WorkChoices' mandatory secret ballots

Any form of protected strike action will need to be voted for in a secret ballot conducted by an independent body. These secret ballots usually take weeks to organise, which will give companies plenty of time to stockpile goods or contract out work to minimise the effects of any industrial action.

These secret ballots will not be automatic. Rudd plans to give bosses the right to appeal against union applications for a strike ballot.

Unfair dismissal rights not fully restored

Labor also plans to only partially restore the old unfair dismissal laws.

Workers at companies with less than 15 employees would only be able to access unfair dismissal laws after 12 months. Those employed at companies with more than 15 people can access these laws after six months.

Bosses will still be able to sack workers just before their six or twelve month probation period runs out.

Australian Building & Construction Commission to stay
Howard's ABCC construction industry watchdog looks set to stay - in one form or another. Labor wants to keep the ABCC in place until January 31, 2010. These powers will then be moved across to a specialist division of Rudd's Fair Work Australia body.

Using language that Howard would be proud of, Gillard recently spoke of "persistent and pervasive unlawful behaviour in the construction industry" that needs a "strong cop on the beat". Tell that to the 107 CFMEU members in WA that face ABCC fines of up to \$28,000 for striking in defence of a sacked delegate.

Rudd looks for the middle ground

Whenever Rudd and Gillard talk IR, they always contrast Howard's "extreme" WorkChoices laws to Labor's "fair" and "balanced" approach.

Labor is angling for the middle ground. Rudd is trying to show that he has the right balance between big business and "union bosses" (which helps to undercut Howard's rhetoric about "union control of the ALP").

Union democracy - some lessons from the past

The broadest union democracy will help to commit our union to the militant approach needed to take on the bosses and the government.

This means electing each and every union representative - from workplace delegates to national officials - once every one or two years. It means having the right to recall and democratically replace any elected union representative.

This is not pie in the sky. For decades the Seamen's Union of Australia (SUA) had these very procedures.

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Labor has to win electoral support from working people. But it also has to present itself as a responsible partner for the business elite and the big end of town.

This all explains why Rudd moved to force Electrical Trades Union Victorian secretary Dean Mighell to resign from the Labor Party.

Mighell bragged about winning pay rises through threatening industrial action. But his only crime was to do his job as a union official - a job he does better than most.

Ironically Mighell (along with every single union official present at the ALP National Conference) voted for Rudd's *Forward with Fairness* industrial relations policy.

This whole episode with Mighell is a chilling preview of what a future Labor government might look like.

Gillard says that "Labor does not support pattern bargaining". Rudd thinks that union officials boasting about winning wage rises for unionists is grounds for expulsion (no wonder Rupert Murdoch has given Rudd his seal of approval).

Come election time, Howard and his cronies must be thrown out of office. But don't expect an incoming Rudd / Gillard Labor government to throw out WorkChoices "lock, stock and barrel".

Unions should be relying on their own industrial might - and not the Labor Party - to get rid of WorkChoices.

At the end of WWI, the SUA General Secretary was Tom Walsh (a foundation member of the Communist Party of Australia). He introduced new SUA rules that gave members the right to recall SUA officials.

Up until 1954, SUA elections were held annually. A union referendum then changed them to two-yearly.

Democratic practices such as these must in the future become part of our own union's approach.

Information from *The Seamen's Union of Australia 1872-1972*.

MUA Elections end June 14 Vote for:

Sydney

Assistant Branch Secretaries (2)

Vote for Paul McAlear & either:

Paul Garrett or Lorraine Ryan

National

Assistant National Secretaries (2)

Vote for any two of three below:

**Werner Cohrs, Michael Doleman
or Derrick (Rick) Newlyn**