

Australia's new dark age

An attack on Australian labour laws by the conservative government has mobilised labour in ways Australians have not seen for decades. **Rob Lambert** describes the campaign.



About 500 000 workers took part in a march to protest proposed labour laws

Australia's right-wing government, led by John Howard, passed new industrial relations laws in December last year that will dramatically change Australian society. They aim to repress and restrict trade unions and collective bargaining, and undermine wages and working conditions.

Under the new laws, any worker seeking a new job will have to sign an individual contract, enabling employers to cut take-home pay and reduce employment conditions. These contracts only have to comply with five minimum standards: a minimum hourly pay rate of \$12.50, sick leave, four weeks' annual leave, unpaid parental leave, and weekly working hours. Workers will lose overtime rates and shift allowances, public holiday rates and weekend penalty rates.

In addition, the unfair dismissal laws will no longer apply in companies with under 100 employees. In essence, workers will be offered individual contracts on inferior terms, and have no right to

bargain. Those who complain can be dismissed without redress.

These provisions are complemented by a frontal attack on unions. Union organisers' access to workplaces and the right to strike are restricted, while union officials, organisers, shop floor delegates and members face heavy fines and possible imprisonment if they break the laws. The powers of the Australian Industrial Relations Commission have also been reduced.

Justifying the new laws, Industry Minister Ian Macfarlane said, "We've got to ensure that industrial relations reform continues, so that we have the labour prices of New Zealand."

NEW AGE OF CIVILIZATION

The laws are a blow to Australian social democracy and reverse a historical trend. At the turn of the 19th century, Australian politics was driven by a democratic vision of a society protected from the ruthless logic of the market. The passage of the Conciliation and Arbitration Act in 1904, which consolidated market regulation,

was viewed as "ushering in the age of the common person" and beginning "a new age of civilization". Australia would become "the social lighthouse of the world", providing an example of economic growth and social justice.

Between 1939 and 1974, workers' real wages rose by an average of 2% a year, and the 40-hour working week was common by the late 1930s. Union interventions through the Australian Industrial Relations Commission forced corporations to accept wages based on need rather than the dictates of the market. The industrial relations system came to be viewed as "the greatest institutional monument to Australian egalitarianism". A culture of fairness evolved in which a confident working class believed it had an inherent right to a voice in the workplace and a share in Australia's bounty.

MEDIA CAMPAIGN

The Australian Congress of Trade Unions (Actu) has spearheaded

resistance to the government's radical market agenda, whose broad features were announced in May last year. The Actu campaign committee focused on three broad areas of action: media intervention, which challenged the language of the market through a justice discourse, mass mobilisation, and interventions in parliamentary politics.

The campaign committee worked closely with Essential Media Communications (EMC), a public relations company with strong union links. Campaign materials and television advertisements were developed and "market-tested" through data generated by focus groups and private polling. EMC also contributed to the design of an overall communications strategy and provided ongoing news management services.

The justice focus was built around the impact of the proposed changes on individuals, families and communities. It also identified the unions as the leading force in the fight for social justice and basic rights, through their assertion of social, as opposed to market values.

As the campaign was directed at non-unionised middle-income and low-income workers, it was decided to avoid reference to 'unions' and focus on the central theme of the erosion of workplace rights. Campaign materials depicted the proposed changes as undermining choice and worker-friendly employment flexibility in favour of unrestrained managerial prerogative.

Television advertisements personalised the new workplace regime by providing brief narrative illustrations of their impact on individuals in terms of the erosion of bargaining power and 'family-

friendly' working hours. The initial round of advertisements highlighted the implications of the new laws in two stark scenarios: a white-collar permanent worker with 15 years of service confronted by a non-negotiable demand to sign a casual individual contract; and a mother of two young children asked to work an additional shift at short notice, and threatened with dismissal if she refused.

Stage two of the advertising campaign, in September, featured three television commercials in a documentary style, again focusing



on the impact of the proposed changes on family responsibilities and workplace bargaining power.

One featured a 'footy (footbath) dad' complaining of his employer's demand that he work weekends and evenings without penalty rates, and that he cash in annual leave entitlements as conditions of a new contract. The implications were clear: unpredictable weekend work would cut across family sporting commitments central to the Australian identity.

Another advertisement featured a plea from a 'working mother' dismissed by her employer for trying to preserve working hours that enabled her to pick up her children from school. It also set out to rebut the government's claims that such workers could appeal under 'unlawful' termination legislation. The mother complained

of her inability to pay the \$30 000 required to bring an unlawful dismissal case.

In a third advertisement, a young worker and her father complained of losing penalty and overtime rates under a new individual contract. All three advertisements carried footage of John Howard proclaiming that his government had been the "best friend the workers of Australia have ever had".

Several weeks after the first round of television and radio advertisements and the June day of mass rallies, opinion polls reflected a marked fall in support for the government. The government rushed advertisements into newspapers nationwide in a bid to defend its proposals.

In July, Andrew Robb, a coalition MP and former director of the Liberal Party and the National Farmers Federation, set up a special internal party task force to design a strategy to negate the Actu campaign. After the defeat of a union court challenge to the legality of the state-funded ads, the government launched a multimedia advertising campaign thought to have cost between \$20-million and \$50-million.

Government TV advertisements featured upbeat images of workers smiling and laughing together in various industries, and concentrated on reassurances that rights on such issues as unlawful dismissal would be protected by law in the new dispensation.

In response, Actu released a new advertisement in October. It featured an employee from the Federal Government's Department of Employment and Workplace Relations warning viewers not to trust government reassurances and suggesting that only those who

agreed to sign individual contracts would find jobs in the department.

The media campaign gave focus and momentum to two nationwide protest rallies.

DIRECT MOBILISATION

Actu marked 30 June 2005, the day before the Howard government took control of the Senate, as the date for a nationwide day of protest. By late March state and regional labour councils, in conjunction with Actu, had begun negotiating skeleton staff arrangements across a range of essential services, including hospitals and power stations. By mid-June, labour councils, Actu and individual unions had jointly made arrangements for the protest.

There were, however, some fracture lines within the labour movement. Unions from the state of Victoria led the way by demanding a mass protest and general strike, a position accepted by most unions. However, labour leaders in New South Wales with close ties to the Australian Labour Party state government were reluctant to endorse such action. John Robertson, secretary of Unions NSW, argued that “the campaign needs to break away from the stereotypical view that a lot of the public have, and that John Howard would like to portray, of the union movement”.

Between 300 000 and 350 000 people were estimated to have participated in the June 30 protests. By far the strongest turnout was in Melbourne, where up to 120 000 people marched through the central city. Several employers, including Australia Post and GlaxoSmithKline, secured orders through the Industrial Relations Commission barring workers from attending.

In Perth in Western Australia, the

estimated turnout was 11 000. It was at this rally that Actu President Sharan Burrow first enunciated what was to become Actu’s war-cry, “Labour is not a commodity!”.

In New South Wales, where protests took place a day later, about 20 000 workers marched along Sydney’s ‘hungry mile’, while 80 000 more joined the 200 rallies throughout the state. Initially, Unions NSW decreed that there would be no mass rallies – a position that only shifted in response to grass-roots anger. The national day of action also prompted church representatives, including Catholic Archbishop



George Pell and the National Council of Churches, to voice concerns over the proposed changes.

Actu again mobilised unions and the community on 15 November, and between 385 000 and 500 000 people took part. Public sector workers were warned that participation would be illegal, even if they took a day of annual leave to attend. John Lloyd, head of Australian Building and Construction Commission, warned that union members faced fines of up to \$22 000 if they attended, while Heather Ridout, head of the Australian Industry Group, wrote to all members advising that the protest was illegal.

Actu’s Burrow said at the Melbourne rally: “This is the start of something really big. Today we are standing up for the values that

shape the way we care about each other, the way we care for time for our families and care about a nation that balances prosperity with our great way of life.” Labour MP Peter Garret added that “this is the beginning of one of the most substantial campaigns by the community in Australia”.

The question is: what next? Even if Labour wins the next election, control of the senate is unlikely, given the differing election cycles of the two Houses. This could mean further delays in repealing or rewriting the laws. If all hopes are pinned on the parliamentary process and this fails, disillusionment could set in. The strategy must be to continue building a counter-movement and engage with parliament.

Ordinary working Australians are dismayed and anxious about the attack on their rights and working conditions. Building resistance will mean channelling this into imaginative collective actions at work and in the community which will win further public support. Actu and its affiliates will have to think up innovative new forms of organisation and pressure politics.

The crisis could open up new possibilities for creating an active civil society in Australia, drawing together all the movements that have opposed the changes into a national network for justice. There are lessons to be drawn from ‘social movement unionism’ which emerged in struggles against authoritarian regimes in South Korea, South Africa and Brazil, which is both workplace-focused and strongly tied to other sections of civil society.

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