



# QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams* No. 157 – 23 November 2018

**Change the Rules Rally – Brisbane Ferries - Larcom EBA – Hutchison EBA - Dalfrum Dispute  
DP World Safety Alert - ILWU New Leadership – Portugal Dockworkers Struggle – Norway Victory  
Liners Branded Hyenas – Minimum Wage for Seafarers - AGM – Book Review - Cartoon Corner**

## **Change the Rules Rally** *by Bob Carnegie*

THE CHANGE THE Rules Rally was a great success with some 10,000 – 15,000 trade unionists marching under the banner of ‘Australia needs a pay rise and for the rules to be changed.’

All of those who spoke were forthright and strong in their desire to see a fair deal for Australian workers and the unions that represent them.

The Branch thanks the members who turned up however, the turnout was disappointing. I won't say anymore but leave it to the great Noam Chomsky to explain in a couple of words as to what complacency is and what it leads to, which is the last of the photos of the rally.

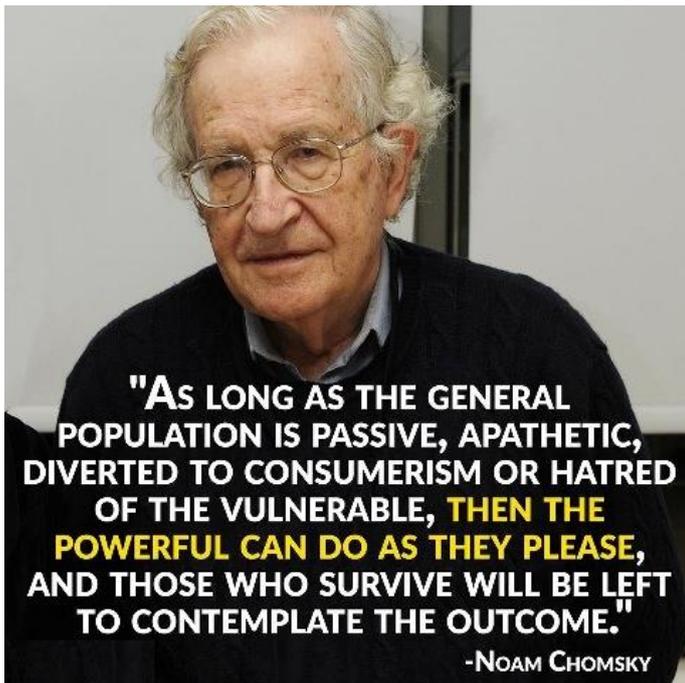


**Change** THE **RULES**

Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary  
73 Southgate Avenue, Cannon Hill QLD 4170



Spike Gray CIR on the RTM Weipa and a wonderful union man with his niece Kate at the Change the Rules Rally on Tuesday in Brisbane



### Brisbane Ferries



support of ferry workers and a fair EBA for them.

AFTER THE CHANGE the Rules Rally, Queensland Branch Officials and members caught Brisbane Ferries in

### Larcom EBA Negotiations

MANAGEMENT AND THE three maritime unions met last Wednesday and Thursday in Gladstone concerning this EBA. For those that don't know, the Larcom is a bunker barge operating out of Gladstone.



A huge amount of progress was made in the discussions and special mention must go to David Miers as delegate. David's in-depth knowledge of the job has been invaluable in negotiations.

### Brisbane Ferry Update

BRISBANE FERRY MEMBERS need to be extremely proud of the commitment to each other and the colossal task of fighting the tax dodging multinational in Transdev Brisbane ferries principal contractor.

Just last week saw members firstly vote down the dodgy non union agreement by 98%, which would have had workers continue to go backwards in wages and conditions along with having the bosses drafting continually haunt these workers until its expiry.

We then received the much anticipated results of the protected action ballot where members voted overwhelmingly 97% to the following actions:

Unlimited number of 8, 12, 24, 48, 72 hour stoppages along with bans on overtime and extra shifts of any kind and lastly training and mentoring bans.

The employer continues to blame its workforce for its poor contract tender and its absolute greed in gouging as much as possible from its employees. This employer needs to be called out for what it is and quite frankly it would be much better if the workforce could deal with a new operator who values workers and their significant contribution to this important and iconic operation.

The MUA will be putting its full weight behind these workers in their struggle for wage and conditions justice because as it stands the ferry workers on Brisbane river are not getting a fair go.

EVERY MUA member in Queensland is encouraged to follow this dispute closely and turn up to support these workers when they decide to invoke the bans approved by the members and Fair Work Commission!

### Hutchison Ports by Paul Petersen, Assistant Branch Secretary

THE MUA MEMBERS at Hutchison ports both here and in Sydney have given this low company everything!! We have given this company more flexibility than any other terminal in Australia!!

The fact all operational permanents in Brisbane are still on an irregular roster arrangement and the company has over 80 casual workers getting drip fed on a day to day basis is disgusting.

Enough is enough!!

We demand a graded roster for all permanents and a guaranteed wage for casuals!!!

Brisbane Container Terminal (BCT) is now functioning at full capacity!

Thanks only to the sacrifice and commitment of all the members working at BCT.

But Hutchison have not and will not commit to the workforce.

They refused to talk about a graded roster, they refused to talk about a guarantee for the casuals.

Hutchison want to reduce the superannuation back to the minimum of 9.5%

Completely remove personal income protection.

Go back to minimum state award for long service leave.

This is a direct attack on the working conditions of BCT and SICTL (Sydney International Container Terminal)

But it's also a direct attack on the working conditions of all Australian wharfies!

The one piss weak offer from the company was for a "couple" of phase 1 positions, because they are worried about the overtime component fast approaching.

We demand a graded roster and a guarantee for casuals!

The MUA members have given everything to ensure HPA (Hutchison Port Australia) reaches capacity volumes and we have now achieved this at BCT.

It's now time for this despicable company to show us some commitment to the MUA members.

If this company doesn't commit to its workforce now that it's at full capacity, then when???

If we don't fight, we will lose!!



MUA Negotiation Team

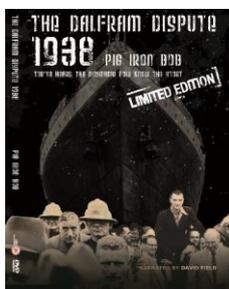
The company will continue producing propaganda and it's up to the members to be aware of what's really going on. We all need to be conscious of what this company is up to. An EBA we like or we will fight!

United we bargain, divided we fall. ☹️ 🚧

## Dalfrum Dispute by Paul Gallagher, Assistant Branch Secretary

ON THURSDAY 15<sup>TH</sup> NOVEMBER I had the honour of representing the Queensland Branch at the opening Ceremony of the new monument to commemorate the 80<sup>th</sup> anniversary of the Dalfrum dispute in Port Kembla. It is an impressive monument that is in two parts representing the coming together of two countries and two cultures through struggle. It has 180 holes drilled into the steel to commemorate the 180 brave unionists that went on strike in protest of the Japanese aggression on the people of China. They are perforated in the shape of the Chinese symbols for unity and peace. It is left as raw steel to rust away which is a good effect as I would not like to have to be chipping and painting it. The day carried over to a dinner to commemorate the 90<sup>th</sup> Anniversary of the South Coast Labour Council where Gary Keane was awarded a rare life membership and more stories of the dispute and history were told.

Comrades, if you have not seen the documentary "The Dalfrum Dispute – Pig Iron Bob" I recommend you watch it. What a great doco, it is really well made and shows the significance of the event that shaped trade union history. You can currently watch it on line for free for 30 days if you sign up to docplay on the below link:



<https://www.docplay.com/shows/the-dalfrum-dispute-1938--pig-iron-bob>

There were many great speeches on the day including Paddy Crumlin, Gary Keane and the Chinese government dignities who donated the money to have the monument built. See below the speech from Sally McManus at the Anniversary dinner. *In unity – Paul Gallagher*

### Sally McManus' Speech

I would like to start by acknowledging the traditional owners of the land; the Wodi Wodi (wad-ee wad-ee) people of the Eora nation and pay my respects to their elders past present and emerging.

I would also like to acknowledge the Federal Ministers and Shadow Ministers, the Ambassador from the People's Republic of China as well as the Consul General and the State Ministers and Shadow Ministers who have joined us to mark this anniversary.

"Within the boundaries of the four seas we are all brothers." is an ancient Chinese proverb that is most appropriate in acknowledging the 80<sup>th</sup> anniversary of the Dalfrum dispute.

80 years ago, in 1938, for ten weeks and two days 180 wharfies in Port Kembla embodied that proverb.

These were the men who on the 15<sup>th</sup> of November 1938, boarded the British tramp steamer Dalfrum, engaged by Japan Steel Works Ltd as part of a contract to ship 300,000 tons of pig iron to Kobe Japan for use in the

production of military materials to be used against the people of China.

They boarded the Delfram to ensure that their intelligence was correct. To make sure that their actions were proper and just.

As local waterside workers union secretary Ted Roach recalled "I finished up convinced that they were going to Kobe, so I just walked up on deck and I said 'Right-o-boys, it's going to Kobe' to a man, everything stopped."

They went out on strike. They went without pay. Their families went without the money they needed to pay their bills. Not for more pay. Not even for their own jobs. But to stop the injustice of a war that, while undeclared, had already claimed the lives of tens of thousands of innocent people in far away north eastern China. It was an act by working people standing up for what was right and just. It was not without risk.

The year before when individual wharfies in Brisbane had refused to load metals bound for Japan they had had their registration stripped until a union protest had forced his reinstatement.

Robert Menzies, the attorney general of the time, had passed the Transport Workers Act, or as we in the union movement called it, the Dog Collar Act, to try and break the union and determine who could and couldn't work the docks by issuing of licenses.

The strike resulted in Menzies enacting the legislation. And the workers responded by getting a single license, burning it and continuing their refusal to load the pig iron.

The strike was not without sacrifice.

To go such a long time, over Christmas, and into a new year without wages put stresses and strains on the families of the men. But it also forged new solidarities.

Arthur Chiang had fled the advancing Japanese army to make a new life in Sydney and he, along with the other working class members of Sydney's Chinatown, drew upon their market gardens, grocers and barrowmen to send truckloads of fruit and vegetables to the strikers and their families.

As Mr Chiang told the Illawarra Mercury in 2015. "The wharfies taught me a lesson. To be a real man, to stand up for yourself, to rely on yourself."

Of course the Delfram dispute taught us all an import lesson. That we must stand up, not just for ourselves, but for each other. That laws should not facilitate injustice. And that standing together we can make change happen. The colour and movement of the dispute is a thing of legend in Australia.

From the verbal clashes between the local leaders and their national comrade, to the solidarity shown by local unions in support of the waterside workers, to the birth of the nickname "pig-iron Bob" which would haunt Robert Menzies throughout the rest of his life and the irony of the staunchly anti-communist Menzies requiring an escort of card carrying members of the local communist

party in order to cross the road - such was the anger of the ordinary everyday local people in Port Kembla.

While the events of the nearly 11 weeks that it took for the dispute to be resolved and for the Australian government to give an undertaking to not ship anymore pig-iron to the Japanese war machine are recounted in many books, and even a movie, it is the legacy of what happened 80 years ago that is most important now.

It is a legacy of solidarity. The South Coast Labour Council is ninety years old. Still young when the Delfram docked and the Waterside workers refused to load the pig-iron. Yet that crucible has forged a local solidarity that is itself stronger than steel.

It is a legacy of standing up against injustice. The union movement in Australia, and in particular the waterside workers, now the MUA division of the CFMEU, took the lesson from pig iron Bob that what is law and what is justice may not always be the same. We took direct action against the war in Vietnam, we would not send oil to the apartheid regime in South Africa and we marched against the illegal second war in Iraq. Spurned on by lessons from the docks at Port Kembla.

It is a legacy of comradeship. The waterside workers were not from China. Had no family in China. Almost to a man knew no one from China. But they knew what the pig-iron was for, how it was being used and on who. And they would not turn a blind eye. While the western governments, including our own in Australia, were still fumbling with what to do about the aggression of Imperial Japan and Nazi Germany it was workers who were refusing to send supplies to these regimes.

The ACTU supported workers in Sydney and Newcastle and Brisbane and Melbourne when wharfies refused to load iron, lead and scrap metal bound for war machines of Imperial Japan and Nazi Germany.

From the Delfram dispute, the waterside workers found a new sense of activism. It forged them into a union that would stand up, not just for their own members but, for all working class people. Whether they were in Australia or over the seas. It is a legacy of internationalism that still permeates today with MUA division secretary Paddy Crumlin the President of the International Transport Federation.

"We had no idea we were making history." Said Ted Roach.

Yet 80 years ago the actions of 180 waterfront workers did exactly that, they made history. They did what was just, not what they were told, but what was right.

While the armies of Japan continued to devastate China and would go on to devastate much of south east Asia, including Darwin, Australian soldiers, drawn from the ranks of the working class to defend our region and our nation would not be made to face bullets and bombs made with Australian resources.

And that's a history that every Australian union member should be proud of.

## DP World Safety Alert Wire Ropes

THE QUEENSLAND BRANCH congratulates all members at DP World Sydney and the Sydney Branch for their principled stand.

three days of action, with the support of the Branch, members achieved a successful outcome which will bring about a lasting improvement to safety in Port Botany.

### What you need to know

1. A number of wire ropes snapped at DP World, PBT, over a short period of time without adequate explanation.
2. An initial investigation by the Safety Committee and HSRs noted a lack of maintenance, inspection, and inadequate replacement of wire ropes.
3. A wire ropes subcommittee was formed to further investigate the causes of these catastrophic failures.
4. It was discovered that DPW are operating sheaves with a profile diameter (size) of just 30-31mm, which is unacceptable for a 30mm wire rope and well out of safety standards. Some sheaves were even as low as 29mm. DPW's own policies state that for optimal rope life, sheaves should be maintained at 7-10% above the nominal rope diameter to prevent premature damage.
5. Essentially, the wire ropes are being choked and crushed, shortening the safe operating life of the ropes, and endangering the lives of the workforce and other workers in the vicinity of the crane.
6. The HSRs and the Safety Committee at DPW Port Botany insisted on destructive tests (physical unwinding of a rope sample to physically inspect the core of the rope) as well as pull tests.
7. Destructive tests showed significant internal damage to the core and multiple breaks in the working area of the rope, which was not evident on X-ray testing (magnetic coil test).
8. It is believed that all ZPMC quay cranes with wire hoist ropes of 30mm diameter may be affected.

**"We will not compromise when it comes to the safety of our members. We will enforce safety through militant actions and campaigns, and we will back our HSRs no matter what. Safety through struggle."**

- PAUL KEATING, DEPUTY SECRETARY

### Outcomes

Thanks to the resolve of members, the following was achieved:

- all sheaves will be changed out over a three month period,
- in the meantime, all wire hoist ropes will be changed out at 1400 hours (previous operating life of ropes was as high as 4000 hours or more),
- destructive and pull tests will be conducted on all ropes when they are changed out, which may alter the 1400 changeout, depending on the condition of the ropes,
- it was agreed that quay crane 5 hoist rope, which has approx 800 hours of operation on it, will be changed out within a fortnight and destructive tests performed to get a clearer indication of rope life,
- the company withdrew their s418 legal action against workers, and
- all workers will be paid for the time they were unable to work due to an unsafe work environment.

**"The MUA Sydney Branch pays tribute to the rank and file members at DP World and their unshakeable commitment to safety. Despite threats and intimidation, the membership recognised that only through militant campaigns on the job, can we ever ensure our safety and lives are not put at risk. Special thanks to the elected WHS and Site Committee delegates and HSRs who led from the front and achieved this victory."**

- PAUL MCALEER, BRANCH SECRETARY

## ILWU Elects New Leadership

Source: <https://nwlaborpress.org/2018/11/ilwu-elects-new-leadership/>

MEMBERS OF THE International Longshore and Warehouse Union (ILWU) elected the union's first-ever black president, Willie Adams, in mail ballots cast beginning in August. Adams, ILWU's longtime secretary-treasurer, outpolled longtime mainland vice president Ray Familathe 4,423 to 4,030. It was the first time since 1991 that the international union had a contested election for its top leadership position.

Adams succeeds "Big Bob" McEllrath. McEllrath has been president since 2006, but the ILWU Constitution bars members over 65 from running again. Adams is 61.

Election results were certified Oct. 29 after the union executive board voted 15 to 6 to uphold a report by its election committee rejecting challenges over how ballots were mailed to and collected from members in Panama. ILWU represents 3,000 dockworkers and pilots in Panama in addition to 35,000 dock and warehouse workers in California, Oregon, Washington, Alaska, Hawaii, and Canada.

# Solidarity!



## SAFETY ALERT

### ACTION ON UNSAFE HOISTING ROPES

A three day safety stoppage at DP World, Port Botany has brought to light severe problems with wire hoisting ropes that may have ramifications for similar terminals in Australia, New Zealand and around the world.



After three days of action, with the support of the branch members achieve successful outcome which will bring about a lasting improvement in the safety of the terminal

#### Members take action to prevent deaths

At the recent Sydney Branch Safety Conference, on 8-9 November, members from DPW Port Botany reported on the wire ropes crisis in their terminal. They have experienced no less than 11 wire rope breakages in 18 months. It is only good luck that has prevented multiple injuries or fatalities.

After the conference, HSRs and the Safety Committee obtained an expert report showing serious damage to the inner core of the wire ropes. The culprit is out of gauge sheaves, which are crushing and destroying the inner core of the ropes - a problem that may affect all similar ZPMC cranes currently in operation.

With this information, the workforce realised they were exposed to immediate risk of serious injury or death every time they worked in the vicinity of these cranes. On Thursday 15 November 2018, work ceased on all affected cranes for a total of seven shifts.

#### Management threats

Despite the obvious safety issue, the company took action against the workers. Workers were subjected to legal threats and were all stood down without pay. The company sought s418 orders in the Fair Work Commission, suggesting this was unlawful industrial action instead of a genuine safety issue. Despite this, members were resolute. They did not bend to management threats, intimidation or misinformation. After



Newly elected ILWU President Willie Adams (seated on left) follows longtime president Bob McEllrath (next to him) in election results certified Oct. 29.

Behind them, from left, are Hawaii Vice President Wesley Furtado, Secretary-Treasurer Ed Ferris, Mainland Vice President Bobby Olvera, Jr., and Coast Committee members Cam Williams and Frank Ponce De Leon. (Photos courtesy ILWU)

Adams grew up in Kansas City, Missouri. He went to work as a longshoreman at the Port of Tacoma, Washington in 1978, and became a member of ILWU Local 23. Since 2003, he has served as international secretary-treasurer at the union's San Francisco headquarters. He's also served as a mayor-appointed member of the five-member San Francisco Port Commission since 2012, and is currently the commission's vice president.



Also elected were: Bobby Olvera, Jr., mainland vice president; Wesley Furtado, Hawaii vice president; Ed Ferris, secretary-treasurer; and incumbent Coast Committee members Frank Ponce De Leon and Cam Williams.

*Myself, personally and the Queensland Branch generally pays tribute to fellow worker, Ray Familathe who is a great friend of our Branch. I have spoken to Ray a couple of times and although disappointed, Ray holds his head high and will be going back to work as a Longshoreman in Local 13. The Queensland Branch wishes the new leadership of the ILWU all the best and we pledge to stand shoulder to shoulder with you fellow workers through the oncoming tempest of attacks on working people the world over. Bob Carnegie*

## Agreement on Minimum Wage for Seafarers Announced

*Another nail in the coffin of Seafarers from the developed world. Bob Carnegie*

Source: <http://www.marasinews.com/legal-regulations/agreement-minimum-wage-seafarers-announced>

THE SOCIAL PARTNERS, namely the International Transport Workers Federation (ITF) and the International Chamber of Shipping (ICS), convened in Geneva at the Joint Maritime Commission Subcommittee on Seafarers Wages to review the ILO Minimum Wage for an Able Seafarer (AB) provided for in Code B of the Maritime Labour Convention, 2006 (as amended).



The decision, following two days of negotiations, was to update the minimum wage for an able seafarer by 27 USD over the next 3 years. The wages will provide an overall increase of 4.5% on the current rate of 614 USD, with an increase of 4 USD as of 1 July 2019, followed by an increase of 7 USD as of 1 January 2020 and a final increase of 16 USD as of 1 January 2021.

Due to unforeseen circumstances, the meeting had previously been re-scheduled from June 2018 and the social partners, with the support of the ILO Office, were presented with the current consumer prices changes indices and the impact of fluctuation of the USD in the countries agreed to represent the basis for a formula for the calculation of the recommended minimum wage for an AB.

It was noted that during the period taken into account for the calculation the 614 USD, which is the current ILO minimum wage rate for an able seafarer, was below the purchasing power stated in the ILO report prepared for consideration at the meeting.

The Social partners provided reasoned arguments and economic forecasts to support their respective positions, including the volatility of the shipping industry, and the necessity to recognize the seafarers' commitment and the need to agree fair and sustainable conditions.

"This was a difficult negotiation with two very different assessments about what the future holds for shipping and seafarers", admitted Mark Dickinson, the Seafarers' Group spokesperson. "We started slowly but gained momentum as the parties exchanged opinions and provided arguments to support their positions. There was strong opposition from the shipowners side for a significant increase. However, I am pleased that at the end pragmatism and common sense prevailed and the social partners worked their way forward to recognise the fundamental role seafarers play within the industry.

"The principles of social dialogue, which is the basis of a more efficient, fair and progressive industry, were once again demonstrated by the unity of the maritime industry in securing an outcome which was acceptable by all parties." He added, "It is an example the social partners should be pleased with."

"We will continue to work together to find ways to ensure that the ILO formula used as the basis for these negotiations is fair and reflects the reality for seafarers, but the impact of this session of the JMC negotiation on the global seafaring community is undoubtedly a good and equitable result."

Max Johns, the Shipowners' Group spokesperson explained that "Following active discussions on the current difficult challenges facing our industry, and the importance of preserving future employment for seafarers, I am very pleased to advise that we were able to work together to come to an acceptable result for both parties".

## Big Victory at Color Line: 700 Jobs Saved in Norway

Source: <https://www.fairtransporteurope.eu/big-victory-at-colour-line-700-jobs-saved-in-norway/>

700 EMPLOYEES WORKING for the Norwegian ferry company Color Line can finally breathe again. After strong pressure from union representatives and federations, the Norwegian government has decided that Color Line will not flag out. This means the profitable shipping company cannot replace Norwegian seamen with cheaper foreign labour.



Unrest at the ferry company flared up in October, when the government presented its budget proposal. A proposed change in the so-called Speed Area Regulations for Foreign Ferries would have allowed Color Line to outflag the two Kiel ferries, moving them from the Norwegian Ordinary Ship Register to the Norwegian International Ship Register. The realisation of these plans would have placed 700 Norwegian jobs at risk.

Fortunately for the employees at Color line, they have trade unions fighting at their side. In the end, sustained pressure from the Norwegian Seafarers' Union (NSU) and its political allies made sure there was no majority for the government proposal.

NSU Spokesman Stian Grøthe hails the government decision as a big victory: "We started this fight alone with the Norwegian LO (The Norwegian Confederation of Trade Unions), but more have come to join us along the road. This matter shows us all that facts still have power".

## Vale Murray Wilcox AO QC

*One of Australia's finest activist Judges has passed away. Murray Wilcox famously read out the full bench of the Federal Court's decision during the Patrick Lockout which ruled that Justice North's original decision was very from appealable error. Bob Carnegie*  
FORMER CHIEF JUSTICE of the **Industrial Relations Court of Australia**, Murray Wilcox, has died, aged 81.

Wilcox served in the role from 1994 until the court's winding up in 2006, at which point he also retired from the Federal Court after 22 years, then the longest term for a judge.

Three years later, having been charged by the Rudd Labor Government with examining how the building and construction industry could "transition" to the Fair Work Australia framework, he produced a 99-page **report** recommending special laws for the industry should be largely abolished, but a new division within the Fair Work Ombudsman should retain compulsory examination powers (see **Related Article**).

The report subsequently informed the Government's Bill replacing the ABCC with the Fair Work Building Industry Inspectorate.

At his official **farewell** in 2006, then Solicitor-General David Bennett noted that "before the Industrial Relations Court was formed [in 1994] your Honour was an opponent of its creation".

"When the then attorney-general, Michael Lavarch, offered you the chief justiceship you modestly reminded him of your public opposition to it.

"He replied that that was exactly why you were being appointed; you more than anyone else would know and avoid the pitfalls into which the court might otherwise stumble."

## "Reasonable Steps" to Prevent Sexual Harassment

Among Justice Wilcox's significant IR decisions was his 1997 **finding**, "with some regret", that three pilots applying for unlawful termination were not employees of now-defunct airline Impulse because of a labour hire arrangement. "I think, in each case, the person has been shabbily treated," observed Justice Wilcox. "It is probably fair to say the shabbiness of treatment stems as much, if not more, from actions of the pilot-providing company as from actions of Impulse.

"But the result was they were unfairly deprived of effective employment and income. "However, they are only entitled to a remedy against an entity that was, in law, their employer."

In 2000, he was a member of a full bench that gave the **green light** for employers to make employment conditional on acceptance of AWAs (see **Related Article**).

Later that month, in **Gilroy v Angelov**, Justice Wilcox set out what constitutes "reasonable steps" to prevent sexual harassment (see **Related Article**).

In 2001, he was in a full court majority that delivered a landmark **ruling** that it is unlawful to use outsourcing in order to avoid award and agreement provisions (see **Related Article**).

## Australia Day Honour

After graduating from Sydney University Law School in 1960, Wilcox was called to the Bar in 1963 and appointed a QC in 1977.

From 1977 until 1984 – when he was appointed to the Federal Court – he served as president of the Australian

Conservation Foundation, later describing a tenure that included the campaign to stop Tasmania's Franklin Dam as "a fantastic period of my life".

In 2010 Wilcox was appointed an Officer of the Order of Australia (AO) "for service to the law as a Judge and a Law Reform Commissioner, particularly in the areas of environmental, native title and industrial law".

He is survived by his wife Christina, children Gavin, Felicity and Anne, grandchildren and a great-grandchild. A celebration of his life will be held 2pm Friday at

[Willoughby Uniting Church.](#)

Source: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au)

## Liners Branded Hyenas as Alliance Debate Spreads Across Europe

By Sam Chambers

European politicians, port operators and dockworkers are lining up in support of a report issued at the start of this month from the International Transport Forum (ITF) warning on the risks of overly dominant alliances in container shipping.



The 127-page report entitled *The Impact of Alliances in Container Shipping* penned by a team from the ITF, a body administrated by the Organisation for Economic Co-operation and Development (OECD), called upon the European Commission to ensure the EU Consortia Block Exemption Regulation for liner shipping is not extended beyond its current timeframe extending to April 2020.

The report outlined the monopolistic tendencies among liner carriers and suggests the European Commission should take action.

"Alliances could raise competition concerns in what has become a concentrated market," the report stated, observing that the top four carriers accounted for 60% of the global container shipping market in 2018. The market share of the biggest carrier (19%) is larger than the market share of any global liner alliance before 2012.

"[A]lliances give very considerable bargaining power – 'monopsony power' – to carriers in regard to ports and terminals," the report continued. The result, according to ITF, can be declining rates for port services, carriers requesting additional public infrastructure, and vertical

integration by carriers, in particular in terminal operations. Consequently, the market share of carrier-dominated terminal operators has increased from 18% in 2001 to 38% in 2017.

Taking heed of the report, French prime minister Édouard Philippe announced a new national ports policy last week, explicitly motivated by the challenges posed by liner alliances.

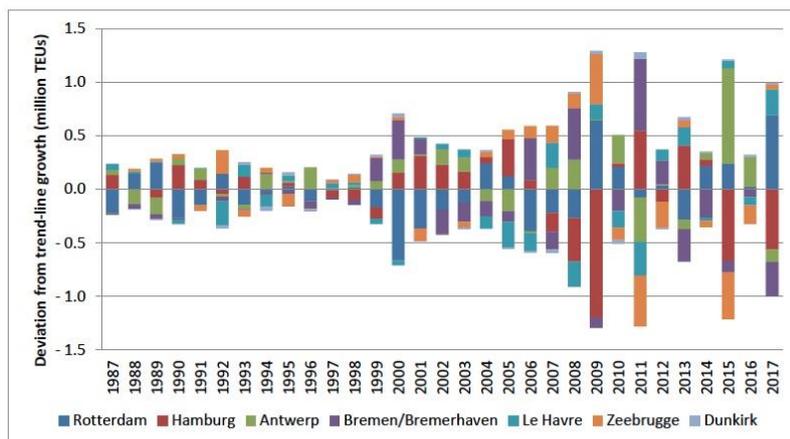
"To enable French ports to face the challenges of new maritime alliances, the government is preparing a new economic model and a new national port strategy," Philippe said in introducing the changes which will see further consolidation among the country's ports.

Niek Stam, national secretary of the dockers section at Dutch union FNV Bondgenoten, attended a presentation given by the ITF. In conversation with Splash afterwards, Stam compared the growing power of liner alliances to "hyenas of the sea".

"They are like hyenas hunting in groups and circling around the ports and port operators to weaken them by offering them lower tariffs. They can do that because shipping lines are creating also overcapacity in ports because of the introduction of megaships," Stam said, adding that with lines now buying into European terminals they will seek to slash their port costs even further.

Volatility of port cargo

Source: ITF



"Shipping lines are like sharks eating all terminal operators," Stam added, continuing his maritime natural history comparisons. "Only shipping lines benefit from them, the rest of the industry is paying the price."

Lamia Kerdjoudj-Belkaid, secretary general of the Federation of European Private Port Companies and Terminals (FEPORT), commenting on the ITF report, told Splash today: "The data and figures that the report presents are particularly useful in the context of the review of consortia regulation as it allows a good debate."

Kerdjoudj-Belkaid said the report highlighted the interdependence between the seaside and the landside.

"The report allows to better understand why it does make sense to look to the cumulated effects of the recent

developments in the maritime sector such as the the increase in size of ships, the consolidation and the existence of a variety of technical agreements used by liner shipping,” she added.

The FEPORT executive concluded saying the report gave clear evidence that it is “a bit naïve” to think that sectoral regulations do not impact other industries and therefore highlights the need for regulators to conduct comprehensive and inclusive consultations. “The report is in many ways a good plea for the end of the silo thinking,” Kerdjoudj-Belkaid said

Patrick Verhoeven, secretary general of the International Associations of Ports and Harbours (IAPH), took issue with some aspects of the much-debated ITF report.

“I find the argument in the report to have common principles for port pricing at global or regional level very counter-intuitive,” Verhoeven said, adding: “On the one hand the report makes a plea for more competition in shipping, on the other hand it wants to bring more interventionism for ports.”

In the wake of the ITF publishing its alliance report, the World Shipping Council (WSC), the Washington DC-based liner lobbying group, said the authors had failed to grasp that the EU block exemption does not apply to the east-west alliances in most cases, but is more focused on vessel sharing arrangements (VSAs).

“The World Shipping Council and its industry partners will continue their dialogue with stakeholders and policymakers to seek regulatory solutions that both protect the competitive nature of the industry and also foster the greatest available efficiencies in an environment that requires the industry to simultaneously move an increasing volume of world trade and to reduce its air emissions,” the council stated earlier this month.

In response, Olaf Merk, the lead author for the ITF report, took issue with the WSC statement.

“Contrary to what they say, global alliances are covered by the EU consortia block exemption,” he told Splash, pointing out that one of the conditions for the exemption is that the combined market share of the alliance on the relevant market does not exceed a threshold of 33%.

“There are three alliances, so simple mathematics shows that there is always at least one alliance – but on most EU trade routes actually two alliances – below the 33% threshold,” Merk said.

When the European Commission sought public consultation on the evaluation of the consortia block exemption regulation, Professor Hercules Haralambides from Erasmus University in Rotterdam submitted a paper, which noted: “At the time of writing, three alliances carry 80% of global trade. Such consolidation, in an industry that is already highly concentrated, is bound to finally attract the scrutiny of the regulator who, with the final consumer in mind, is likely to encourage more competition rather than further consolidation. If this happens, i.e., if container shipping becomes more open

and competitive in the future, and if alliance agreements regarding vessel sharing, investment planning, etc. are scrutinized more closely for their compatibility with competition law, as I expect, the joint filling of the ship will become more difficult and ship sizes shall by necessity decrease, together with an increase in the number of ports of call. Low prices would then be achieved through more competition rather than big ship sizes. This is the more so when it is doubtful if the economies of scale in shipping are passed on to the final consumer, as required by the consortia block exception from the provisions of competition law in Europe.”

Source: <https://splash247.com/liners-branded-hyenas-as-alliance-debate-spreads-across-europe/>

## Dockworkers Struggle at Port of Setubal

This struggle is happening now! The author of this article, the incomparable Raquel Varela was a key note speaker at our Branch’s ‘Get Wise, Organise Conference’ in November 2017. The IDC is working very closely with these dockers in their struggle.

Bob Carnegie

## The Biggest Strike of Precarious Workers: The Dockworkers Struggle at the Port of Setúbal, Portugal

by Raquel Varela

FOR YEARS, THE casual workers of the Port of Setúbal have had “regular” jobs. So “regular” that they are forced to pass a power of attorney to administrative employees of the companies who sign a contract of employment for them when needed.



Carla Ribeiro is a dockworker at the Port of Setúbal.” I am a dockworker”, she says. “I have a 5-year-old daughter. I have been working for 9 years with daily contracts. I’ve worked while pregnant until 8 1/2 months. Sometimes I had to call my husband after working from 8:00 a.m. till 5:00 p.m. telling him that I had to stay until 1:00 am – and later call him again to say that I was going to work the night shift until 7:00 am. Now it’s enough! We are involved in this war. We won’t step back”.

Carla is part of a pool of 309 casual workers at the Port of Setúbal. 146 of these have been working regularly for some 20 years for the companies Operestiva and Setulset. The remaining work for subcontractors.

Setúbal began in Leixões[1]. And it started in August. When this year the Madeira and Leixões dockworkers decided to move from the old corporate unionism and its promiscuity with the stevedore companies and started joining the SEAL – the former Lisbon dockworkers

union known for its pugnacity, which became a nationwide union – as retaliation they were put on the shelf by companies, some sweeping the floors. And they saw their wages reduced. In response, since August 13, all regular and casual dockworkers in the country went on a strike refusing to work overtime, causing heavy delays in cargo handling.

The bosses of Setúbal didn't appreciate this solidarity strike and decided to break it by offering contracts (now, after 20 years!) to a few of them – just a couple of days after they had tried to “fire” them. All but two refused to sign these contracts and went into total standstill on November 5, under the motto “Either we all sign or nobody will.” Some VW/Autoeuropa workers (the automotive company most affected by this struggle) publicly supported them – as did the call-centre's, Lisbon Underground, SOS Handling / Groundforce and several other unions affiliated with CGTP union federation.

For years, the casual workers of Setúbal have had “regular” jobs. So “regular” that they were forced to pass a power of attorney to administrative employees of the companies who sign contracts of employment for them when needed. When they fall sick, they cannot have medical assistance or their absence due to sickness paid by the NHS (because they are not officially hired by the companies). So they call the company, the company signs a contract as if they were working, the coordinator confirms, and they may have medical assistance...

This and other pearls typical of the “wild west” labour relations in Portugal have been repeatedly communicated to the Minister of the Sea and ACT[2]. They were never answered. In the Parliamentary Committees for Labour and Social Security and Agriculture and the Sea, these issues have been dragging on, while BE and PCP[3] raise the issues, but one never knows whether they are acting as part of the “Geringonça”[4] or as opposition. This is all in vain – unless the law of the ports is changed and a collective bargaining agreement for the dockworkers is negotiated, the conflict will last. With serious impact for the dockworkers, but also for thousands of companies in the country, who lose millions, while profits go the few concessionaires of the Ports.

At last the country seemed to get an interest in this issue. Not for Carla and her family, or for these men with their lives depending on daily contracts, but for the VW / Autoeuropa cars that pile up waiting to be exported. The anxiety of the Minister of the Sea is not due to the destroyed lives of these dockworkers, but to the calls of the Autoeuropa shareholders.

I have a particular scientific interest in this stoppage (in fact, it is not a formal strike, because casual dockworkers are recruited on a daily basis and do not have their right to work protected – but neither do they have an obligation to work) because I have maintained in many books that it is now much easier for workers to organize themselves than it was 30 years ago. This statement is always surprising to some, since traditional unions insist

on the myth that if they do not fight, it is because unionized workers are few and fragile. The paralysis of the Port of Setúbal confirms my thesis. The just in time model forces companies to have reduced stocks. Relocation of companies is a permanent threat, but at the same time today a small sector can stop an entire production chain. Globalization means dumping, but also dependence. The stoppage of the Setúbal dockworkers can stop the biggest factory in Portugal and the dockworkers from Sweden or Santos in Brazil can also stop and this will have immediate effects in Lisbon or Barcelona.

The weakest link of globalization may be the workers. And they have been. But it can also be the companies, whose profits are based on low wages guaranteed by the fear of losing job. In this field it is important to remember that strikes are tugs-of-war that demand accountability to society. Thus, trade unionism must be de facto democratic, independent of any government and internationalist – otherwise it will always face its own limits and fail to represent the interests of large sections of the population.



*Portuguese docker being hauled off the picket line as scabs are sent in to break a strike against casualisation of docker's work 22/11/2018*

Portugal's “competitive edge” since the 1980s has depended on increasing labour intensification and low wages. According to researcher Eugénio Rosa, the cost per hour of labour decreased in the first quarter of 2018 (-1.5%) when compared to the cost per hour of the first quarter of 2017, the average income of the Portuguese

being lower than it was in 2008. Investment fell. Productivity rests on the back of workers, manual and intellectual, required to do more and more with less and less. Doctors, teachers, nurses, dockworkers, call centre operators, airport workers, Underground workers, civil servants, what they say the most is: “I’m tired”, “I’m afraid.”

Companies pay the minimum wage or little more, but the taxes of the qualified sectors pay for the social assistance to which the poor today, even when they work, are forced to resort: social unemployment subsidy, reduced electricity rate ... Every day the poor have to prove their poverty and accept reaching out to the state. Thus, we would have 47% of poor people without social transfers and with them we have 18%. While the welfare state is universal, transfers are focused – they help to perpetuate poverty, even if in the short term they alleviate it.

The other problem of Portugal, and of the world, is the pyramidal model of companies that concentrates profits in a parent company where they have few workers while concentrating workers in subsidiary companies where there are no profits. This model has created orgies of profits and social inequality, leaving SMEs asphyxiated and workers exhausted. In the case of the Ports, we should have asked ourselves a long time ago: why are they not public, being strategic, and we put an end to this Calvary of brutal work in benefit of a few intermediaries?

On 17 November, the SEAL met in a national assembly to respond to the conflict in the Port of Setúbal and there was a unanimous vote for the possibility of affiliation of casual workers of this Port, in order to contribute to the dignity of their subsistence. Solidarity is not letters that the wind carries, but tangible actions.

Societies have to produce well. It is important to work well. But you have to ask yourself how, who, for whom and what is produced. A dockworker, Duarte Vitorino, from the Azores islands, with a regular contract, is in solidarity with Carla. He earns 850 euros, of which he deducts 4% for the union. Working extra hours he reaches 1200 or 1300 euros monthly. He told me in an interview: “I live with 500 euros less since we are on strike to extra work, we make an effort, my wife is anxious, but I don’t care, it’s for the benefit of all ... Besides, now I can see my son every day (he smiles). I can survive without extra hours for a year!” In this struggle he and his own have developed a sense of cooperation, justice, and courage. A feeling that dehumanized work, where a VW car seems to be more important than them, cannot give him.

Raquel Varela is a Historian. She is the coordinator of the Study Group on Global Labour History at the Lisbon New University (Universidade Nova de Lisboa), honorary fellow IISH, Visiting professor in UFF Post Graduation.

[1] Important port in Northern Portugal.

[2] Portugal’s equivalent of the British HSE (Health and Safety Executive).

[3] BE (Left Block) and PCP (Portuguese Communist Party).

[4] Literally “contraption” – the nickname of the alliance that supports the minority Socialist Party Government in Parliament.

Source: <https://raquelcardeiravarela.wordpress.com/2018/11/22/the-dockworkers-struggle-at-the-port-of-setubalportugal-is-the-wild-west-when-it-comes-to-labour-relations/>

## **Bamboo House: Easy to build, Sustainable Cubo Wins Top Prize**

Source: [https://www.theguardian.com/world/2018/nov/22/bamboo-house-easy-to-build-sustainable-cubo-wins-top-prize?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/world/2018/nov/22/bamboo-house-easy-to-build-sustainable-cubo-wins-top-prize?CMP=Share_iOSApp_Other)

THE CREATOR OF a house made of bamboo that can be put together in four hours to solve the chronic shortage of affordable accommodation in the Philippines has won a £50,000 top prize to develop cities for the future. Earl Forlales, 23, a graduate in material science engineering, took inspiration from the bamboo hut his grandparents lived in outside Manila.

Forlales was awarded first prize by the Royal Institute of Chartered Surveyors (RICS) for his house, known as Cubo, for its use of low-cost, sustainable material, and the speed at which it could be constructed.



John Hughes, the competition head judge and RICS president, said: “The world’s cities are growing all the time and there is a real need to make sure they are safe, clean and comfortable places to live for future generations.

“There were many exciting, original designs among the submissions. However, Earl’s idea stood out for its simple yet well thought through solution to the world’s growing slum problem.

“As we look at our entrants, who are our next generation of leaders, I believe that real progress will be made in tackling the world’s biggest issues.”

Forlales’s house could be manufactured in a week, constructed in four hours and costs £60 per square metre. Its use of bamboo – which releases 35% more oxygen into the environment than trees – was praised by the judges. The ability of the houses to be constructed in any bamboo-producing area was one of the key attractions.

Forlales has already identified a suitable area of land to start building his Cubo houses. He plans to begin work next year with experts from the RICS in an attempt to help

relieve the huge pressures on housing in Manila, where a third of the 12 million population live in slums.



He said: "This is a huge step forward to helping the people of Manila. The state of housing in the city is at crisis point, and will undoubtedly get worse with this new influx of workers.

"Cubo started as nothing more than an idea, conceived while spending time at my grandparent's house – it is incredible to think that it now will become a reality.

"I would like to thank Rics for the opportunity to develop the idea, and look forward to working with them to put this money to good use in Manila, and then hopefully elsewhere around the world."

The Cities for our Future competition launched in January 2018 aiming to find practical solutions to problems that the world's cities face. There were more than 1,200 entries, which were narrowed down to 12 finalists, who were given a mentor from the Rics to help them develop their idea over several months. The final judging took place this month.

Dr Beth Taylor, a competition judge and the chair of the UK National Commission for Unesco, said: "One of the reasons Earl's entry stood out from the other finalists was through its use of traditional, sustainable technologies and materials, to solve an issue facing modern cities across the world."

## Book Review



### **The Good Soldier Svejk and His Fortunes in the World War**

by Jaroslav Hašek

Review by Craig Buckley  
THE RECENT CENTENARY of the end of the First World War is a good time to remind ourselves of the pointless absurdity of war and the suffering it inflicts upon ordinary people. This

novel, a classic of Czech comic literature, deals with the fate of one of history's "little people" struggling to survive the Great War. The main character is a cheerful, optimistic dog thief (who forges their pedigrees before fencing them), called up to serve in the army of the Austro-Hungarian Empire. Along the way, he confronts authority with a combination of dumb insolence and pretending to be a well-meaning imbecile. Outwardly loyal and willing, he refuses to shirk his duty, but

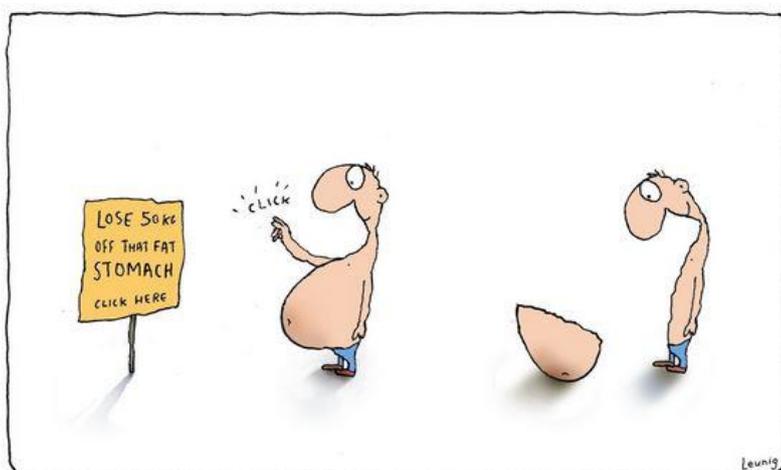
somehow always manages to "get lost" or "misunderstand" or be prevented from carrying out his orders due to circumstances far beyond his feeble control.

The author, Hašek, was himself a bohemian and anarchist (and something of a dog thief as well). Serving in the Austrian army, he was captured by the Russians, joining the Reds during the Russian Civil War. Returning home to newly independent Czechoslovakia, his novel was serialised in a Czech literary magazine. He died before the novel was finished. The book hardly suffers from being published in its unfinished form, because the point of the story is not the plot, but the humour of Svejk's repeated exposure of his "betters" in endless encounters with magistrates, undercover police agents, prison warders, doctors, chaplains, military policemen, and army officers.

Although not that well known in English, Svejk has had considerable cultural impact. In the Czech language, Svejk has apparently become synonymous with thumbing one's nose at those in positions of power. Hasek's character was also an inspiration for Yossarian, the main character in Joseph Heller's better-known absurdist novel of the Second War, Catch-22.

I have been unable to find a free version available on the internet, but cheap e-book versions are readily available.

## Cartoon Corner



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**Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary**

**73 Southgate Avenue, Cannon Hill QLD 4170**

## Annual General Meeting

**THE MARITIME UNION OF AUSTRALIA DIVISION**  
A Division of the Construction, Forestry, Maritime, Mining and Energy Union

**NOTICE TO ALL MEMBERS of the  
QUEENSLAND DIVISIONAL BRANCH**

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**ANNUAL GENERAL MEETING and  
SPECIAL MEETING OF MEMBERS**  
QUEENSLAND DIVISIONAL BRANCH

Annual General Meeting to be held:  
7 am Thursday 29 November, 2018  
Cannon Hill Bowls Club  
Cnr Lang and Princess Streets  
Cannon Hill

The Annual General Meeting of Members of the Division is being held to consider:

- (i) *The General Yearly Report of the Divisional National Council;*
- (ii) *The Annual Financial Statement of the Division;*
- (iii) *Motions by members notice of which has been given in writing to the Divisional National Secretary by close of business 11 November 2018.*

All available members are required to attend.

A Special Meeting of Members will be held immediately following the AGM to consider and if thought appropriate endorse proposed changes to the Rules of The Maritime Union of Australia Division.

In Unity,  
  
Bob Carnegie  
QUEENSLAND DIVISIONAL BRANCH SECRETARY

Any queries should be directed to Queensland Branch (07) 3395-7215

