In this edition of the Workers Solidarity Bulletin we look at how gig economy employers treat employees as “independent contractors” in order to exploit and underpay them. Last Wednesday, Uber and Deliveroo workers protested these unfair conditions outside the Uber headquarters in Melbourne, supported by the Transport Workers Union. Organised action of this kind must continue and increase, to stop gig economy practices becoming a model for employers across all industries. Read on for more.

As always, Workers Solidarity welcomes your feedback, please get in touch:

we.are.workers.solidarity@gmail.com

WIN: AMWU/ETU - OI Glass

AMWU and ETU Members have come to an agreement with OI Glass after a 7 month dispute. The deal includes a 12% pay rise on the life of the agreement (4% per year); job security, a $1400 sign on bonus and 10 days paid leave for union delegates to attend to union business.

WIN: NUW - Woolworths Minchinbury

Days before the formal amalgamation of the NUW and United Voice, the NUW took strike action at the Woolworths Distribution Centre in Minchinbury NSW. Around 1000 warehouse workers took part in a 24 hour strike on 8 November, fighting for secure jobs as well as a 16% payrise which would bring their pay up to the level of their counterparts in Victoria. The strike came on the heels of revelations that Woolworths had underpaid 6000 employees by $300 million over the last nine years. A week after the action, the NUW was fined $72,900 and ordered to pay Woolworths over $100,000 for unprotected action at a Woolworths distribution centre in Victoria in 2015 - those workers were also fighting for secure jobs. Negotiations resumed between the Minchinbury workers’ union and Woolworths, and on 18 November the NUW announced the workers had been successful in winning their 16% payrise.

MEAA - Free Behrouz Boochani campaign

Journalist, filmmaker and MEAA member Behrouz Boochani has managed to leave Manus Island where he has been imprisoned by the Australian Government for over 6 years. Boochani, a Kurdish refugee has been granted a 1 month visitor visa for New Zealand to attend the Word Christchurch literary festival. New Zealand has confirmed it will not extend his visa. Boochani has been accepted to resettle in the USA under the agreement struck between the USA and Australian governments, but there are concerns this may be in jeopardy as he has now left PNG. Boochani says he will not return to Manus Island, and has condemned the Australian government’s harsh
refugee policies. This campaign must continue until Behrouz, and all the refugees on Manus and Nauru are safe and free.

You can watch Boochani’s film Chauka, please tell us the time online – https://vimeo.com/ondemand/chauka

UWU - Jindi Cheese

Members of the newly amalgamated United Workers Union at Jindi Cheese in Victoria are on strike. The mainly female workforce is doing the same job for $6 an hour less than men at a sister site 45 minutes away. After picketing occurred at the site, the company successfully applied to the Fair Work Commission for an order which will stop the UWU and its members from preventing or interfering with access to the site. The company is owned by French multinational Lactalis which is one of the largest manufacturers of dairy products in the world. In 2015, Lactalis had a global revenue of 16.5 billion euros.

AMWU/ETU - Australian Paper 5 day stoppage Wednesday 13th - Monday 18th

A third stoppage took place at Australian Paper in Maryvale. Previously workers had taken a 48 hour stoppage, this time they upped the ante by downing tools for 5 days from 13 - 18 November. This stoppage accompanies ongoing work bans while EBA negotiations with the employer continue.

 RTBU - Yarra Trams

Tram strikes are back on in Melbourne. As the pay dispute with Yarra Trams continues around 1500 workers will strike for four hours between 10am and 2pm on Thursday 28 November and Thursday 5 December.

Australian Federation of Air Pilots - Jetstar

Pilots at budget carrier Jetstar have applied to the Fair Work Commission to vote to take protected action. Negotiations have been going on since January, but Jetstar and the union have reached an impasse. According to the union, Jetstar pilots are the lowest paid in the country and face gruelling schedules. Jetstar has refused to budge from an offered 3% annual pay rise. Should the protected action go ahead, it could see Jetstar flights grounded for up to 24 hours in the busy pre-Christmas period.

Zimbabwe Hospital Doctors’ Association

Doctors in Zimbabwe public hospitals have been on strike for almost three months demanding a living wage indexed to the US dollar to protect them from out of control inflation. After the industrial action was ruled illegal by the courts last month, more than 200 doctors were fired due to their absence from work. The government has also implemented a new “flexi-hours” system for nurses, where nurses are only working two days a week. This has unsurprisingly resulted in appalling nurse/patient ratios, and according to the union avoidable deaths. Patients are being turned away from hospitals because there are no doctors available. This industrial unrest is also occurring in other areas of the public service including schools. Workers are bearing the brunt of the economic crisis and shortages which have been worsened by a drought that has left more than half the population in need of food aid.
ANALYSIS

Tom Cameron, ETU
Rank and file youth activist

How long have you been a union member?
5 Years

Why did you join the union?
A matter of principle when I started my sparkies apprenticeship. I was in hospitality before that where I was an LHGU member.

What's your best memory/story about being in the union movement?
The most positive experience I had was being an apprentice delegate to the ETU national conference. But the most fun I had ‘trouble-making’ was signing up all the apprentices at a workplace and taking on a really, really dodgy boss. He ended up splitting with his business partner because he was such a crook and I won a fairwork case against him.

What’s the most important issue facing the union movement today?
The increasing discipline of labour - people are so hamstrung by the restraints of capital they struggle to not only see the value of unions but to take any kind of steps forward. Collectively we can’t even imagine action outside workplace laws.

Should people join their union?
Bloody oath!!! Not only join, but be active. It’s only your union if you help shape it.

“If these companies can abolish the minimum wage by stealth in one area, every worker’s pay and conditions will be placed under threat.”

Amita Gupta worked as a delivery driver when, earlier this year, she was fired by her employer for being ten minutes late on a delivery. Amita decided to pursue unfair dismissal action in the Fair Work Commission. Her case was thrown out by the commission on the grounds that she was not an employee; Amita worked as a ‘contractor’ for Uber Eats.

In July the Fair Work Ombudsman finalised a two year investigation into working conditions at Uber. The question the FWO was exploring was whether Uber was engaged in sham contracting.

Sham contracting occurs when “an employer attempts to disguise an employment relationship as an independent contracting arrangement”. The FWO offers some helpful advice for working out when someone is a genuine contractor, and when an employment relationship exists. According to the FWO contractors have “a high level of control in how the work is done” whereas an employee “performs work, under the direction and control of their employer, on an ongoing basis”. Contractors are “usually engaged for a specific task” whilst employees have “an ongoing expectation of work”.

Workers in the so-called gig economy are told they control how and when they work, but in reality their working conditions are highly structured and controlled through the use of an app. Workers are told they have the freedom to log-on when they choose, but the reality workers face is they have to login in the locations and at the times the app directs if they want to retain work.

The Fair Work Ombudsman announced in July that it had found that workers at Uber were contractors and not employees. The FWO issued a 280 word press release announcing its decision. As a result workers like Amita Gupta have no entitlement to the minimum wage, unfair dismissal protection, superannuation or annual leave. Journalists at Fairfax have tried to request details of the FWO’s investigation and legal reasoning, but the FWO is refusing Freedom of Information Requests.

Amita Gupta worked 96 hour weeks for Uber and sometimes earned as little as $300 a week. When she was ten minutes late on an order one eve-
ning, she was fired. The Transport Workers Union are now representing Amita in an appeal to the full bench of the Fair Work Commission.

We should have no illusions about what the gig economy is. Companies like Uber have built multi-billion dollar businesses by under-cutting workers rights under the guise of technology. These companies claim their businesses are built around innovative new apps, in truth they are built on the reintroduction of piece work and sham contracting arrangements.

Last year, two delivery riders working for Foodora successfully won a sham contracting case in the federal court. The delivery workers demonstrated that they were in fact employees, and as a result Foodora would have been compelled to pay minimum wages. Rather than pay workers what they were owed, Foodora liquidated its Australian operations. There was nothing innovative about their app, their entire business model was built on undercutting the minimum wage, and when they couldn’t do that anymore they closed.

There is nothing about the gig economy that restricts this model of piece-work to food delivery and taxi services. If these companies can abolish the minimum wage by stealth in one area, every worker’s pay and conditions will be placed under threat. Workers in every industry from care work to construction should stand with workers in the gig economy, because if we do not break the business models of companies like Uber in food delivery, the working conditions that Amita Gupta faced could be coming for all of us.

Tools down - Friday Arvo Drinks
Cheap drinks for union members
16:00 - 19:00, every Friday
Common Rooms Bar
Victorian Trades Hall

165th Eureka Rebellion Anniversary
18:00 - 21:30, Thursday 28th November
MUA Hall, West Melbourne
Book tickets through ‘Eventbrite’

Fridays for Future: Global Climate Strike
12:00 - 15:00, Friday 29th November
State Library of Victoria

Symposium: Histories of fascism and anti-fascism in Australasia
10:00 - 19:00, Monday 2nd December
Flinders University, Sturt Road, Adelaide

How Labour Built Neoliberalism
Elizabeth Humphrys and guests
19:00-20:30, Thursday 5th December
New International Bookshop
Book tickets through ‘Eventbrite’

Rally for Permanent Visas & Family Reunion
14:00-16:00 Saturday 7th December
State Library of Victoria

End-of-year debate:
‘The time to strike is now!’
Hosted by Overland & UWU
17:30-20:00, Friday 6th December
ETU Ballroom, Victorian Trades Hall
Book tickets through ‘Eventbrite’

Demonstration is a Human Right!
IMARC Blockade Fundraiser Gig
18:00 onwards, Sunday 8th December
Cafe Gummo, Thornbury

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