In this issue we recall the history of the fight for industrial manslaughter laws in Victoria. Then we take a hard look at the effects of the twin crises of overproduction and unemployment as we reject the building push to resolve these issues through global conflict. But what is the alternative? Read on for more.

Questions? Comments? Email us at: we.are.workers.solidarity@gmail.com

Jobseeker Jobkeeper JobTrainer

A coalition of Unions, social welfare organisations, not for profits and individuals including the Australian Unemployed Workers Union, the anti-poverty network, Fair Go For Pensioners, and First Nation Groups have formed LIFE – Living Income For Everyone – demanding the retention of the increased jobseeker payment past September.

500,000 workers have cleared out their superannuation funds to support themselves during the covid-19 pandemic underscoring the need to have a workable future jobs plan. ACTU President Michele O’Neil launched the ACTU’s National Economic Reconstruction Plan – our plan for jobs on Monday July 20 just before the budget via facebook live stream. The ACTU has endorsed the concept of a jobs guarantee. Follow updates via facebook.com/AustralianUnions

A $2 billion JobTrainer program for training or re-skilling for up to 340,700 school leavers and job seekers announced by Federal Government. Places for courses will be available from September. The package includes $1.5 billion extending the wage subsidy for apprentices and trainees for 47,000 employers with 81,000 apprentices and trainees and widening eligibility from small businesses to medium-sized businesses with up to 199 employees. It will go to March covering apprentices who were in place on July 1. It covers half the apprentice’s wages up to $7000 a quarter. To get the JobTrainer funding the states will need to sign up to an agreement to reform their vocational education and training systems according to Morrison.

Nurses

The deficiency of ‘flexible’ and ‘low pay’ for health care workers at Aged Care facilities has been exposed by covid. These workers need to work in more than one site because of low pay and insecure work says the HWU. The ANMF reported that Minister for Aged Care and Senior Australians, Richard Colbeck, wrote to thousands of low-paid aged care workers in March, promising a bonus payment of ‘up to $800 after tax’,...
but the most recent update from the Department of Health shows the payment will now be taxable income. The Queensland branch reported an audit into aged care providers showed 64 per cent have cut staff since March during the peak of the Covid-19 and that Queensland facilities were the worst off for PPE supplies with nurses doing cleaning duties.

Bosses get a Covid-19 reprieve on underpayment

The Fair Work Ombudsman is considering reducing “cost contributions” and refraining from litigation over underpayments if businesses are financially struggling because of coronavirus. Its strategic priorities for 2020-21 would include “reducing the regulatory burden associated with proactive compliance” in traditional hotspots, such as restaurants, cafes, fast-food and horticulture, due to the serious impact of Covid-19.

Interpreters

Members of Translators and Interpreters Australia claim they were unable to help the 5,000 residents, in a hard coronavirus-induced home detention at Public Housing Towers in Melbourne, due to a dispute with the federal government’s translating service. They have refused to sign contracts with the Translating and Interpreting Service (TIS National) a part of Dept of Home Affairs, because they can be varied for up to 10 years during which TIS can alter the majority of the terms of the Dec as well as the policies that underpin it. There is no provision for fee increases, no negotiation, and inadequate dispute resolution process.

Gig Economy failing workers: Vic report

(Report of the Inquiry into the Victorian On-Demand Workforce 2020 can be found online at engage.vic.gov.au)

Natalie James, former Fair Work Ombudsperson and now a partner at Deloitte Australia, headed the Victorian Governments inquiry into the On-Demand Workforce which reported last week. The Young Workers Centre welcomed the report and the 20 recommendations. The report reveals gig economy workers - who are predominantly young, migrant workers on temporary visas - are being paid significantly below the national minimum wage and do not have safe working conditions.

MUA protected action DP world

On the Victorian waterfront the EH negotiation have stalled at DP World. MUA Victorian Branch Secretary Shane Rattenbury spent “in principle agreement” in October 2019 DP World is refusing to meet with the Union with 50 percent of the workers forced into redundancy since Covid-19. The union has set in motion protected action votes by the onsite committee. Mr Stevens said it will include “hang, immediately, rank and file station staff from across the network organised and put pressure on the leadership to act on our behalf. We hit stations early, noon and night to also get the public inside. After a few months the campaign was won. The most satisfying part is that the campaign was won on the back of work of largely young, newer members, who have been active ever since.

What’s the most important issue facing the union movement today?

As the recent scandal surrounding Aden Bonyurek highlighted, these pathetic ALP power games are being funded by our unions. Imagine what could be achieved if the resources pumped into funding these power games in a party that really does nothing to help us were redirected toward building rank and file activity at the workplace level, everywhere. That is where and how conditions are going to be improved for workers everywhere, not by begging for crumbs off the ALP table.

Why should people join their union?

Why did you join the union?

I’ve made signing up to the union and becoming active a priority at every job I’ve started at. I’ve been lucky enough to grow up in a family where everyone who has joined the workforce has been a union member. It’s just been the done thing.

But since becoming active myself, I’ve seen how important it is for all workers with a level of union consciousness to organise amongst the broader workplace, whatever the level of density/activity. Every new member is worth their weight in gold and every passive member we can get to become active is worth even more.

What’s your best memory/story about being in the union movement?

In 2018, Metro announced their intent to remove suburban control desks from stations on the Mernda line and move them to a centralised location. This would be a precursor for this to happen across the entire network. Not only would this result in a slashing of station staff jobs around the network as well as deskilling, it would’ve had a severely negative effect on public safety, as having these desks at local stations rather than a city location enables a quicker, localised response to a red button emergency call. Rank and file station staff from across the network organised and put pressure on the leadership to act on our behalf. We hit stations early, noon and night to also get the public inside. After a few months the campaign was won. The most satisfying part is that the campaign was won on the back of work of largely young, newer members, who have been active ever since.
government also produced a Health and Safety Review report that year. On 22 November, 2007, the Attorney General Rob Hulls tabled the Crimes (Workplace Deaths and Serious Injuries) Bill 2007 in the Legislative Assembly, as well as control of the regulator.

In November 2002, the Bracks Labor government was returned with record majority in the Legislative Assembly, as well as control of the Council. Unfortunately, their commitment to Industrial Manslaughter was lost somewhere and it was no longer part of its policy or election platform. From an article in the Australasian Parliamentary Review, Autumn 2005, Winsome Roberts wrote:

“The (Bracks Government’s) commitment is to the kind of centrist policies popularly endorsed in Australia, rather than to traditional Labor values of social justice. Its accepted mandate is to govern prosperity for the prosperous and those who hope to be prosperous. The cautious cabinet enunciates a government whose members are more at home talking to corporate leaders than to the disaffected and rural poor. Leaders at Trades Hall Council were frustrated in their attempt to contain the virus.

In early 2005 the Government announces it will re-introduce the Bill, however in September of that year it commissions Chris Maxwell QC to conduct a review of the 1985 Occupational Health and Safety Act.

Harry Glasbeek, Professor Emeritus and Senior Scholar, Gagooke Law School, York University, author at Socialist Project, and a friend of our union movement, said at the time:

“Cynically, this could be seen as a way for the government to curry favour with its labour constituency. Less conspiratorially, the retraction of the corporate manslaughter legislation and the institution of a review may indicate the problematic nature of the push toward criminalisation…”

The union movement dropped the campaign – why? Possibly fatigue, disappointment and also, pragmatically, our attention and efforts were diverted into the time-consuming review of the 1985 Act. We wanted to maintain what we had, but also win two things in the review – especially as the Howard government was attacking unions any way they could. These were:

1. Union right of entry: we achieved this, despite huge opposition from employers
2. Union right to prosecute: NSW unions had this right and it was seen as a better thing to have than Industrial Manslaughter. However, it was not supported or recommended by Maxwell who said it was the role of the regulator.

The 2004 Act did, however, include two new provisions, which while not IM, if used together, was supposed to achieve what we wanted s52 (Reckless endangerment) & s144 (Liabilities of officers of bodies corporate). Of course, it has not delivered; in fact, s52 has been used against individual workers!

So, what was going on elsewhere?

- **ACT:** Crimes (Industrial Manslaughter) Amendment Bill 2002; Passed in 2003, in force March 2004
- **Canada:** in 2005 passed Bill C-45 An Act to amend the Criminal Code (criminal liability of organizations)
- **UK:** in 2008 the Corporate Manslaughter and Corporate Homicide Act 2007 came into effect. However as of January 2016 there had only been around a dozen successful prosecutions for corporate manslaughter, and the fines did not reach the millions of pounds expected, and so the TUC and unions are unhappy with it. There have been a couple of employers jailed, however.
- **Queensland:** in 2017 the industrial manslaughter provisions in the Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act 2002 (ESA Act), and Safety in Recreational Water Act-activities Act 2011 (SHWA Act) commenced, after a review prompted by the deaths of four patrons at the Dreamworld theme park in 2016 and the earlier deaths of two construction workers at Eagle Farm racecourse.

But as noted, there have been few prosecutions. Queensland’s first industrial manslaughter sentence was handed down on 11 June 2020 by the Brisbane District Court for the death of a worker at an auto recycling yard in 2019. Both the corporate entity, Brisbane Auto Recycling Pty Ltd, and its two directors were prosecuted for the fatality and pleaded guilty to offences. The company was fined $5 million. The company’s directors both pleaded guilty to one charge of recklessness and were both sentenced to 10 months imprisonment. The sentence was wholly suspended, with an operational period of 20 months.

In October 2017 the VTHC relaunched its Industrial Manslaughter campaign, under Secretary Luke Hilakari. This time things would be done differently and what we wanted was a better, more effective law.


**Recession as a Reason to Fight**

Australia is now firmly in the throes of a recession, as is the rest of the world. Unemployment is at levels not seen since the Great Depression. Entire industries have been destroyed, and many companies will close their doors and simply will not be seen again.

Previous editions of this Bulletin have argued that the economic crisis, though catalysed by the COVID-19 pandemic, was in the making well before the first COVID case emerged in December 2019. This was evidenced by the crisis in retail, with some 469 closures of outlets in January 2020, as reported in the Sydney Morning Herald the same month. Those closures and the impact of the retail crisis emerged before the full impact of low sales over the Christmas and holiday period would be realised. In January 2020, these were figures not seen in several decades.

The economic downturn is bound up in an ever deepening social crisis caused by the increasing cost of living and wages stagnation. When COVID-19 hit Australia in March 2020, it brought on a recession already in the making because of the necessary shut down of industries to attempt to contain the virus.

**Job Losses**

Various predictions have been circulating about projected job losses and unemployment rates. Westpac has been predicting more than 844,000 job losses, bringing the official unemployment rate to 11 percent. Warren Hogan, professor of economics at University of Technology Sydney, estimated 7.8 million Australian workers would lose their jobs, an unemployment rate of more than 15 percent.

Scores of jobs have been lost across entertainment, hospitality, manufacturing and construction. Although construction is being touted as the industry keeping Victoria in business, 50,000 construction jobs were destroyed in the last 12 months, taking the industry’s labour market share from 9.5% to 9.1%

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Here are just some of the numbers of workers who have lost their jobs over the past few months

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<tr>
<th>Hospitality and tourism</th>
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<td>Star Entertainment Group</td>
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<td>Flight Centre</td>
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<td>Allied Partners Australia</td>
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<td>Virgin Airlines</td>
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<th>Consultancy</th>
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<td>Deloitte Australia</td>
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<td>KPMG Australia</td>
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<th>Higher Education and Research*</th>
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<td>Charles Sturt University</td>
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<td>Monash University</td>
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<td>Deakin University</td>
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<td>Griffith University</td>
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<td>Central Queensland University</td>
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<tr>
<td>National Gallery of Australia</td>
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<td>CSIRO</td>
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*The numbers of job losses for higher education are most likely misleading because they do not include the loss of jobs by casual workers and by fixed wage contract workers. The job losses for these groups (who make up 2/3 of the workforce) are probably already somewhat greater than the figure quoted – perhaps double.

What is causing the downturn – even before COVID?

The current economic crisis is also known as a crisis of overproduction. That is, a crisis of too many commodities and not enough consumers. Those buying the products, consumers, and those producing the products, producers (or workers), are overwhelmingly the same people. In an extremely simplified way, the less likely consumers are to buy products, the less profit a company makes to reinvest in producing more products. The less there is money to buy new products, the less producing work for producers. The less work for producers, the less disposable income to spend on products, and the cycle continues.

COVID-19 accelerated business closures in retail, tourism and hospitality – because they had no choice, under state emergency powers to stay open. However, consumer confidence had declined such that retail and hospitality were already experiencing decreases in profits. This was caused by wage stagnation and the growing cost of living – causing consumers to lack confidence and so save their money rather than spend it.

Wage stagnation in Australia has been attributed to a decline in trade union membership, which in turn gives rise to labour market flexibility (casualisation, precariousness), and limited bargaining power of workers. In other words, the constant and successive attacks on Australia’s labour movement, under Hawke, Howard, Rudd/Gillard, Abbott/Turnbull/Morrison – has finally reached its objective. So wage stagnation limits how much consumers spend, leading to businesses realising fewer profits, causing businesses to invest in production less, leading to unemployment.

Another factor is also at play. The diminishing planetary resources. This is what is left of the ever increasing cost of living, not just in Australia but right across the world. As oil and other fossil fuel reserves decline, major companies search for other places to mine and drill – draining the earth’s resources. In order to exploit the earth’s resources on lands not of the company’s origin, wars of aggression are waged by Nations – notably, not by the companies that will benefit. The conflict in the Middle East is primarily a war of resources, exploiting already existing cultural, ethnic, religious and communal divisions. Conflict is on the brink of breaking out between Ethiopia and Egypt, over damming of the Nile River, which would reduce Egypt’s agricultural output by between 30% to 50%. With the plummeting of the planets resources, the increasing temperature of the Earth, seemingly infinite resources such as water, become scarce.

All of this drives up the cost of living. In the Middle East and Europe, people – workers have been demonstrating in the streets over the cost of oil and food – these demonstrations have been going for over a year. This is a global problem not a mismanagement of individual nation state budgets.

In the current economic framework, the decision of what to produce and in what quantity, is left to the market. So if consumers stop buying a particular product, then the product stops getting produced. The problem with this is that under capitalism contract workers – the producers, have no planning, and the consequences are brutal for the producers, that is, the workers – because capitalism only just lose their jobs. It’s also brutal for the planet because the consideration of how much of what resource to take is left to the market (read profit), not a concept of future planning or future need.

In a pandemic, when entire industries have closed down, and the market is flooded with unemploy workers looking for work, there is no centralised mechanism to redeploy workers to new markets. So toilet paper factories simply produced more toilet paper, distilleries converted from gin to produce hand sanitiser – but we could not convert the old Holden factories into factories that produced ventilators. And we could not mobilise QANTAS to get these ventilators to Italy or India, where the need for ventilators was greatest. And by extension, we could not deploy the scores of unemployed workers to do this work.

The market mechanisms are also brutal in that capitalism relies on, in fact depends on, competition in the same industry. So although the coal and fossil fuel industries are destroying the planet, those companies manufacturing energy from these sources must compete in order to survive. And by survive, that usually means eliminate the competition.

Before the pandemic, people had mobilised around public hospitals. Now, we see safe energy manufacture had been contemplated by scientists and environmentalists. Again, the brutality of the market economy, also known as capitalism, meant that new, clean and renewable energies were required to go into competition with existing fossil fuel manufacturers – that had the backings of major Nation States with their arsenal of massive financial subsidies, lawyers to tie everyone up in unnecessary legislation, and armies.

Capitalism cannot resolve the crisis of over production humanly. Competition means that companies will compete to survive, including wiping out other companies, and it will be the workers that pay – as we are seeing in the unemployment figures, reported above.

History shows us the crisis of over production, and limited resources, is more than not resolved through war. We are seeing the United States posturing against China, Iran and Russia. We are seeing Egypt and Ethiopia about to war over water.

These wars are not for us. They are not for workers, though it will be workers’ bodies on the front lines. These wars are about the planet’s dwindling resources, the creations of new markets, so that companies can continue to survive yet another round of capitalist overproduction. These crises come and go periodically. And they are always resolved brutally, under capitalism.

And in order to convince us to go to war willingly, an entire propaganda machine is mobilised to convince us that we are each other’s enemies. Consider the reporting on Muslims, immigration, asylum seekers.

But there is another way.

A planned economy – one that responds to the needs of workers and the needs of the planet. One that recognises that when too many cars have been produced, we can’t just leave them sitting in the streets, and tie up resources to the earth and its animals, that it is time to find another way to transport people around. One that is focused on human needs, not profit, is what is needed.

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We workers need to organise ourselves into a new kind of society, one that puts workers needs first. This planned economy is only possible if those workers control and own the means of production. Workers’ control of production means that workers will not be destroyed and will not destroy others. It means that the economy will be run by the workers, for the workers.

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committed to resolving the current crisis of capitalist overproduction in a way that minimises the brutality against workers.

There is a current “rolling conference” being held over a number of months, called Global Trade Union Assembly. While not the only way forward, this series of discussions, and the global meetings enable worker activists to get together to discuss what kind of organising is required, globally, to resolve the crisis in our favour - and then to organise towards those outcomes.

For more information about the Global Trade Union Assembly, go to:
https://slucuny.swoogo.com/gtua2020

We must organise. We must fight back. We must win. Workers change the world

Workers Solidarity General Meeting
Online via Zoom
Next meeting: Thursday 30th July, 18:00
Workersssolidarity.org.au

Two day Online Course
Organised by the ACTU and the First Nations Workers Alliance, Running regularly from now until November atui.org.au/voice-treaty-truth-advocacy-course

Dont Mourn, Organise - Fighting for the future of higher education starts with us
NTEU Fightback - No Concessions
Wednesday, 22 July 18:00-19:30
Live video event
Search ‘facebook’ for more details

Asbestos ban update: Campaigning in a global crisis (Webinar)
Hosted by Union Aid Abroad – APHEDA
Thursday, July 23, 15:00
Leaders and activists from Australia, Indonesia, and India speak about the on-the-ground campaigns to ban asbestos. Register online via facebook

Forum: The Palestinian Struggle in the Era of Annexation (Online event)
Hosted by Free Palestine Melbourne
Wednesday, 22 July 19:30-21:00
Tickets: www.fpmelbourne.org

Refugees, Covid-19 & The Politics Of The Pandemic: Online Event
Refugee Action Collective (Victoria)
Monday, 27 July 18:30-20:00
Register via ‘facebook.com’

The Social and Moral Campaigning of Australian Trade Unions, 1960s to 2015
Public ‘SHAPS Fellows & Associates Group Seminar’ with Daniel Hannington-Pinto
Wednesday, 29 July 2020 from 17:30-18:30
Search ‘facebook’ for more details
To RSVP, email: palmer.d@unimelb.edu.au

Digital Security: Conceptual Basics (Online Event)
Melbourne Activist Legal Support
Wednesday, 29 July 2020 from 19:00-21:00
Tickets: melbactivistlegal.org.au

New Mobilise Experts Training - Hospo Voice
For hospitality worker union activists
Thursday, 30 July 16:00-17:30
Online event
Search ‘facebook’ for more details

Defend the Right to Protest - Free the Refugees
Protest outside Magistrates Court to defend the right to protest and to free the refugees who have been held in detention for 7 years
Refugee Action Collective Victoria
Thursday 6th August 8:00am (protest: 8am, court mention: 9.30am)
search ‘facebook’ for more details

The Worker’s Solidarity Bulletin is a living document written to reflect what is happening within the labour movement, here in Australia and across the world. The producers of this publication, and participants in Workers Solidarity more broadly, don’t necessarily endorse or agree with all of the views in this publication. This is a place for debate and discussion.

See something you disagree with? Not seeing something you think we should talk about?

Shoot us a line with your thoughts at workers.solidarity@gmail.com