

WORKERS SOLIDARITY

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Around the country protestors are marching for Invasion Day. This year threats to organisers and rally goers come under the guise of concern for public safety but we know that COVID or not, the same tactics that are used against all workers' struggles are deployed with heightened ferocity when Indigenous people take the streets. Workers must use their full might to support the struggles of Indigenous comrades.



WORKERS IN STRUGGLE

CFMEU vs CPB Contractors

The CFMEU Construction Division has uncovered big safety failures and other breaches on the State Government's North East road link construction project, operated by CPB Contractors. Organisers found no female toilets onsite and available toilets to be in a dirty state without hand sanitiser, and the First Aid shed to be without running tap water, scissors, sharps disposals bins and other basic necessities. There was no mandatory Covid-safe plan in place or temperature checks occurring on what is the biggest construction project in the whole of Victoria, and when it began to rain onsite, workers had to continue working in the rain whilst managers went undercover until the organisers' intervention ensured they were granted their right to a rain break. The CFMEU organisers were then prevented from entering or inspecting the site by managers in blatant breach of the OH&S Act. The CFMEU Victoria has said "We will continue to attend and hold those responsible for workers' health and safety accountable."

RAFFWU vs Coles

The Retail and Fast Food Workers' Union is taking Coles to the Fair Work Commission to force them to negotiate a new Enterprise Agreement for thousands of Coles workers, after Coles steadfastly refused to. In March last year, thousands of Coles workers endorsed a log of claims with over 90 claims, which RAFFWU served on Coles as the 2017 EA expired. However, Coles has refused to recognise or meet with RAFFWU.

RAFFWU is seeking for the Commission to force Coles to return to the bargaining table with them. RAFFWU has said, "The only

thing broken with the bargaining system is the bans put on our right to strike as workers. That's what is holding us back. We will keep members informed and continue pursuing all the claims endorsed by members."

UWU vs Peters Ice Cream

Workers at Peters Ice Cream production facility in South East Melbourne held their first stop work action on Friday 22 after a year long negotiation for a new EBA failed to stop the company pushing to cut the hourly rate of the casual work force by \$9 per hour.

Peters maintains a highly casualised work-force - more than 30 per cent of workers are in insecure casual work, many being at the company for years without an offer of a secure permanent job. Some workers have been on a casual arrangement for 17 years.

During covid the plant has not seen a downturn in production however Peters has refused requests for paid pandemic leave, a safety measure workers at other food production facilities across Victoria have been able to successfully negotiate, allowing low paid workers to afford time off to get tested for the virus.

The stop-work saw non-casual workers stop in solidarity.

Federal Government Attacks Workers' Rights

The Guardian reports that the Federal LNP Government is preparing to launch an advertising campaign to sell its changes to workplace relations laws, after signing a new \$200,000 contract for market research.

The government insists any communications campaign would be launched only after the legislation passed parliament - but Labor accused Scott Morrison of wasting taxpayers' money trying to convince Australian workers to take a pay cut.

The industrial relations laws that entered into parliament before the Christmas break include removing rights to backpay from misclassified casual workers, stripping misclassified casuals of up to \$39bn in claims; giving employers control over part-time workers' duties on a flexible basis; and getting rid of the Better Off Overall Test (BOOT) when new agreements are being negotiated, allowing employers to force workers into lower pay and conditions than already exist.

Racial Abuse in the Workplace

"It is time to prevent workplace abuse on the pitch.

Tim Paine was at work on that cricket pitch. If you abuse people at work, you will be summoned to a formal investigation. Sometimes you are demoted or lose your job. At a minimum, you end up with a formal warning. Being 'under pressure' is not a defence.

Paine is paid millions to play sport. That is a privilege that most workers never enjoy. If he cannot perform the inherent requirements of his job without abusing others, then why is he there? It is time WorkSafe investigated Cricket Australia. What effort, if any, is that employer making to prevent workplace abuse?"

OHS MATTERS Letter from union comrade Cindy O'Connor, printed in The Age recently.

The recent incidents at the cricket which led to this letter being written and sent have once again shown that sport in Australia is often nasty and racist, and that sports people are often not 'good sports'. Not surprisingly, Indigenous and black players are those who end up coping most of the abuse - despite, or perhaps because of, their abilities in whatever game they are playing.

It is shameful that such racial abuse continues on Australia's sports fields. There are many 'public' and well-known incidents - for example the iconic 1993 photo of St Kilda player Nicky Winmar who, after being racially abused by members of the Collingwood cheer squad - who yelled for him to "go and sniff some petrol" and "go walkabout where you came from" - lifted up his jumper and, facing the crowd, pointed to his skin. Social commentators and authors have described the gesture as a "powerful statement", an

"anti-racist symbol", and one of the "most poignant" images in Australian sport. It was also credited as being a catalyst for the movement against racism in Australian football - yet the racism continues.

In 2017, the documentary *Fair Game* detailed the experiences of racism Brazilian-born AFL player Héritier Lumumba faced while playing professional football. According to Lumumba, the culture at Collingwood was a "boys' club for racist and sexist jokes", where his teammates nicknamed him 'chimp'.

The 2019 documentary *The Australian Dream* focussed on Adam Goodes, an Indigenous footballer and one of the greatest players of his generation. In 2014 he was named Australian of the Year in 2014 for both his efforts to end racism and his work with Indigenous-youth community programs. And yet this gentle man was abused and humiliated to such an extent in the 2015 season, booed by thousands time and time again, that he could not take it any more. He left the sport, or was forced out by lack of action against what has been termed an 'overwhelming and relentless culture of racism'.

To repeat: the treatment of Indigenous and black players by their team mates, and by many fans, is shameful. But the issue is also one of worker rights: when these incidents occur in professional sport, then it's a workplace issue. More must be done by government and employers.

In an article in The Guardian in June last year, Héritier Lumumba said that for the entirety of his 12-year career, "the AFL failed to address racism that permeates its organisation. In [his] view, it repeatedly failed its duty to uphold the human rights and workplace safety of its Black players."



"How many more players have experienced this treatment and either say nothing or leave their sports? How much more common is it?"

He wrote that following the release of the documentary, and independent confirmation of his experiences of racial discrimination at the club. "Instead of taking responsibility as institutions responsible for the well-being of their employees, Collingwood and the AFL both deployed a strategy of silence and denial."

These are just a few of the publicly exposed examples - how many more players have experienced this treatment and either say nothing or leave their sports? How much more common is it? Abuse, racial vilification and bullying of players is likely to occur not just in Australian rules football and cricket, but across other sports as well.

Under Australia's occupational/workplace health and safety laws, employers have duties to all their employees. In effect, they must provide, 'so far as is reasonably practicable', a working environment that is safe and without risks to health - including psychological health - and clearly covers bullying, abuse and even 'sledging' wherever it occurs, even the sports field.

What this means is that employers have a legal duty to take action to prevent bullying and abuse, no matter where it comes from. It means not denying that it happens, or accepting lame excuses from the perpetrators. It means continuing to take action, developing on-going strategies and not being satisfied with token campaigns.

It also means that the bodies which regulate health and safety - WorkSafe in Victoria,

SafeWork NSW, and the authorities in the other states and territories – must take action to ensure compliance with the law. Where there are workers, they have rights under the OHS/WHS laws and those with the obligation to regulate must investigate when abuses occur, prosecute where necessary, as well as being proactive in changing unacceptable workplace culture.

Lack of action by the individual employers, by the sporting organisations, and by the responsible regulators means that abuse, racism and ‘sledging’ will continue, and put the health, and the lives of workers at risk. On Invasion Day we must all take responsibility.

The Workers 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?

Write to us with your thoughts at:
workers.solidarity@gmail.com

The Royal Commission into Aboriginal Deaths in Custody: 30 Years On

ANALYSIS

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was initiated in 1987 ‘in response to a growing public concern that deaths of Aboriginal people in custody were too common and public explanations too evasive to discount the possibility that foul play was a factor’. Indigenous organisations including Aboriginal Legal Services and the Committee to Defend Black Rights, as well as the families of those who died in custody, agitated for the establishment of an investigation into these deaths through a public campaign and political lobbying. The Royal Commission finalised and released its findings by way of a report thirty years ago, in 1991. This report found that Indigenous people faced significant disadvantage resulting in increased contact with the criminal justice system, and that the deaths investigated by the RCIADIC were not found to be the result of deliberate violence or brutality, but were instead the result of systemic failings to uphold a duty of care to Indigenous people in custody.

The Royal Commission made over 300 recommendations, many of which directly addressed police training, prison and coronial procedures, as well as broader areas of social, health and educational services. Three key recommendations were for imprisonment to be considered only as a last resort, public drunkenness to be decriminalised, and arrest rates for minor offences be reduced. With the exception of Victoria recently repealing public drunkenness laws in the wake of Tanya Day’s needless death and the tireless effort of her family seeking justice, very few of these 300 recommendations have been implemented by any State or Federal government. Meanwhile, Indigenous deaths in custody have increased, in line with increased sentencing, incarceration and contact with the criminal justice system.

Despite the PR, policing and the judicial system have never been about protecting citizens so much as protection of the state. We’ve seen this play out time and time again when the police use violence to smash pickets, when they attack peaceful demonstrations and civil rights movements, and every time the crimes and violence of bosses on workers is ignored, crimes which destroy lives and livelihoods. Police forces do not inherently act in our interests, and when we hear a government start talking about “law and order”, we can be sure of one thing – that policing will step up in marginalised communities; Indigenous people, people of colour, migrants, youth, the disabled and the disadvantaged. Day to day policing focuses on those who have the least resources available to defend themselves, communities who have been systemically failed by our state institutions, and who are least able to create political backlash.

This focus on marginalised communities directly results in more interactions with the police, and with increased interaction, comes increased risk of death. The findings and recommendations from the RCIADIC directly seek to interrupt the processes and failings of the criminal justice system in order to preserve life. Without these recommendations implemented, Indigenous deaths in custody have risen over time. You may have heard about individual campaigns seeking justice for Indigenous people who have died in custody before. Tanya Day. Fella Morrisson. Ms Dhu. These deaths are far from individual tragic events, but should instead be seen as a greater picture of systemic failure.

We can also be sure that with increased death comes increased violence – If death is seen as the rare and often accidental result of the failings of custodial systems on Indigenous people, what happens when these systems succeed? Indigenous kids are often locked away in remand for months if not years, awaiting court proceedings. High rates of child removal, high rates of incarceration, high rates of direct violence and harassment are also experienced by Indigenous people when compared to non-Indigenous people.

In 2020, 28.6% of the male prison population in Australia was Indigenous – yet Indigenous adults only make up around 2% of the Australian population. In 1991, when the RCIADIC report was released, this same prison population statistic was 14.3%. In 2020, we also see that almost a third of Indigenous

defendants are given custodial sentences, compared to only a fifth of non-Indigenous people. Over policing of Indigenous people combined with more punitive outcomes in courts see these numbers keep growing, and ultimately, result in a greater number of deaths in custody.

The Royal Commission into Aboriginal Deaths in Custody, like all Royal Commissions, is a bureaucratic tool, a process that can be used as point scoring propaganda by the government of the day, a catalyst for change, or simply be ignored. The Royal Commission doesn’t have the power to enact its own recommendations, but instead produces the documentation that can be used as an instrument for change by a government that is either willing to do so, or succumbs to pressure to do so. In the case of the RCIADIC, neither has occurred and the findings remain largely ignored.

The RCIADIC, though 30 years old now, contains the blueprint for preventing Indigenous deaths in custody, and should be campaigned around as a starting point for Indigenous justice. This requires concerted, organised social pressure on our State and Federal governments. We’ve all seen what the union movement can achieve when advocating for social change. The strength of our collective power has the ability to make the world a better place, and to force injustices to be addressed. While it’s a disgrace that these recommendations are still largely not enacted, the Indigenous community cannot afford to wait for another

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milestone anniversary to see movement on the Royal Commission recommendations. It's time for workers to step up and take this campaign on, to create and amplify the social pressure needed to see these recommendations finally implemented.

What You Can Do

- Seek out, listen to and engage with Indigenous workers and leaders
- Raise this issue with your union branch, support discussions with Indigenous voices and leaders in the branch and the workplace to learn how to support and facilitate change
- Think, and discuss, how actions in your workplace can provide support for the movement to stop Indigenous deaths in custody. If your workplace is one that has interaction with people in custody through provision of services, prioritise discussion about treatment, unconscious bias, and importantly, what role and influence police may have in your provision of services.
- And importantly, prompt your branches to have the hard conversations about the role of police in Indigenous deaths in custody; their lack of accountability, their role as enforcers for the government of the day, and ultimately, their place - or not - in the workers' movement.

WHAT'S ON

Workers Solidarity General Meeting

Third Thursday of every month

Next meeting TBA

workerssolidarity.org.au

Rally: Drop the Charges on Breen-Defend the Right to Protest, Free the Refugees

Hosted by Refugee Action Collective (Victoria) Wed 27 Jan 8:30 am

Melbourne Magistrates' Court, 233 Williams St, Melbourne CBD

[More information on facebook](#)

United Rally: Free the Park Hotel Refugees

Hosted by Campaign Against Racism and Fascism (CARF)

Sat 30 Jan 2pm

Park Hotel, 701 Swanston St, Carlton VIC

[More information on facebook](#)

RAC Organising Meeting

Hosted by Refugee Action Collective (Victoria)

Face-to-face meetings, open to the public, on the campaign to free the refugees.

Mon 1 Feb 6:30pm

Lincoln Square, Swanston St, Carlton VIC

[More information on facebook](#)

Labour History Society (SA) Conference

Hosted by Labour History SA

Sat 6 Feb 8:15 am - 5:30 pm ACDT

[Tickets and info available here](#)

Film Screening: Santiago Rising, + Q&A

Documentary about the Chilean protest movement 2019-2020

Hosted by Green Left

Sat 6 Feb 5:30pm

Sydney Resistance Centre

22 Mountain St, Ultimo NSW

[More information on facebook](#)

Rally: Free ALL the Medevac Refugees

Hosted by Refugee Action Collective

Sat 13 Feb 2pm

State Library Victoria

[More information on facebook](#)