

WORKERS SOLIDARITY

BULLETIN · ISSUE 35

The Government's 'Omnibus Bill', set to re-organize industrial relations even further in the bosses' interests, has passed, albeit in a watered-down form. The ACTU lobbied the so called 'independent' senators to vote against the Bill; and called on workers to sign petitions or contact representatives. But a strategy which favours negotiation over the use of organised workers' power cannot stop attacks on our rights and conditions - it can only delay.

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Sam Wallman

WORKERS IN STRUGGLE

Win for McCormicks Workers with the UWU

United Workers Union members at McCormicks Clayton South Factory voted to accept a revised offer from the company after nearly six weeks out on strike. The workers, many of whom have worked for decades at the factory which produces sauces for McDonalds, Hungry Jacks and KFC as well as items such as Aeroplane jelly for Woolsworth, refused to take a cut to conditions and a measly 1% increase in pay after 5 years of stagnant wages. The new agreement is reported to include a 9% pay rise over the next 3 years, a \$5000 sign on bonus and to keep the conditions management wanted to claw back.

SA AEA v the South Australian Government

SA Ambulance Employees Association is demanding more resources for the state's ambulance service to help relieve over-worked staff and improve chronic ramping outside public hospital emergency departments. In an escalation of their dispute, the union has agreed to stop charging patients for certain ambulance trips starting on 10 March 2021.

The secretary of the Ambulance Employees Association, Phil Palmer, said "If [a patient] gets a priority one in longer than eight minutes, they won't get a bill... If they get a priority two in longer than 16 minutes, they won't get a bill ... [and] if someone gets a priority three in longer than 30 minutes, they won't get a bill, and so on.

"We'll be escalating [the action] over time if we don't get the outcome we want.

"We don't bargain - we're fighting for the community's safety."

HWU v Aged care industry

The Health Workers Union is running a social media campaign calling for transparency in aged care funding with the release of the findings of the Royal Commission into Aged.

“Aged care workers in Australia are undervalued and overworked. We need to make the aged care system care-driven, not profit-driven. It’s aged care workers that must drive this change. We can only achieve this by standing together.” – Honorine Dowie, Personal Care Worker

Join the HWU’s fight to change aged care. Go to www.changeagedcare.org

RAFFWU v Readings Bookshops

Workers at Readings have become the first Australian bookshop workers outside University Bookshops to start negotiations over an enterprise bargaining agreement this week. They are being represented by the Retail and Fast Food Workers Union.

Anti-Poverty Campaign

Break the Poverty Machine week of action held rallies around the country with a rally of 150 people gathering in Treasury gardens before going to the Fair Work Commission, making the connection between low dole rates and suppression of wages. The organisers see this as only the beginning of a growing coalition of groups working to push back against draconian social security laws and low wages and insecure work.

Philippines

At least nine activists have been killed following simultaneous police raids in the northern Philippines that came just two days after President Rodrigo Duterte ordered government forces to “kill” and “finish off” all communist rebels in the country.

In 2018, a special task force was formed by the president to target the rebels and their supporters. Critics and human rights activists said the special body is also being deployed against mainstream left-leaning politicians and other critics of Duterte.

Rights groups have warned that the threat no longer makes any distinction between armed rebels, rights defenders, and critics of the Duterte administration.

USA

6,000 workers at an Amazon warehouse in Alabama near Birmingham are voting on whether they want to form a union.

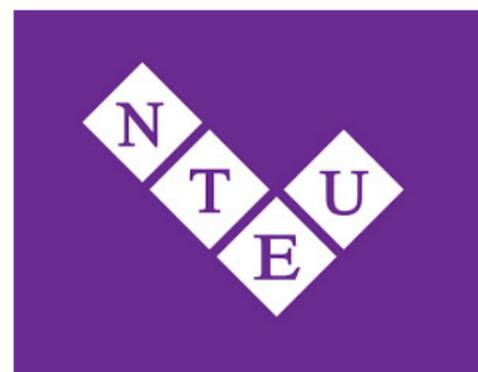
The unionization push came from a group of largely black workers at the Amazon fulfillment center in Bessemer, Ala. Late last summer, they approached a local branch of the Retail, Wholesale and Department Store Union, which has grown in the South, particularly in poultry, an industry with traditionally dangerous jobs and many black employees.

The unionization effort, which began last summer, is the largest and most viable organizing campaign among Amazon workers in the United States.

The union deployed organizers who worked at nearby warehouses and poultry processing facilities to focus full time on talking to workers at the Amazon warehouse. By late December, more than 2,000 workers signed cards indicating they wanted an election,



BACKBONE OF OUR MOVEMENT



James, rank and file member of the NTEU

How long have you been a union member?

2 years.

Why did you join the union?

I joined the union for political reasons, and an understanding that all workplaces need a strong, efficient union to represent their workers’ needs.

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

Mostly, participating in the meetings and debates that accompanied the rise of the COVID workplace and attempts to strip workers of their rights and entitlements.

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

Our workforce is facing two issues: casualisation and complacency. The first is self-explanatory, the second refers to how many of us are trained to believe that we will be ok and do not need to act collectively, only as individuals.

Why should people join their union?

It is imperative that we as an educated workforce put our money where our mouth is and not only join our unions, but be active. There is no time in history where it makes sense to sit on the fence.

OHS MATTERS

“I am a volunteer in an information centre and am being asked to clean toilet facilities open to the public daily. Are they allowed to do this?”

This is the sort of question we often get from members of the public, volunteers or non-union members, who do not necessarily know who is covered by the OHS laws, who has legal duties, and to whom.

The legislation does cover volunteers, but in different ways in different jurisdictions.

As long as there is an employer, then in Victoria, this employer has a duty to ‘other persons’ (s26):

An employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.

This would apply in your situation – as long as there is an employer, that is, that the entire organisation is not volunteers only. If this is the case, then the OHS Act does not apply.

If those running the organisation employ someone, anyone, then there is an employer and the organisation does have duties. In this case it means ensuring that any task volunteers carry out and nothing the organisation does not put their health and safety at risk. This might include:

- providing information on the cleaning chemicals being used,
- ensuring the chemicals are as safe as possible,
- Providing adequate PPE (eg gloves, etc),
- providing volunteers with training,
- ensuring people don’t enter the toilets while they are being cleaned, and so on.

In jurisdictions with the Work Health Safety Act, the duties of the PCBUs (persons conducting a business or undertaking) are clearer. Firstly because volunteer organisations are PCBUs and also because anyone doing any type of work, including volunteer, work experience or unpaid work, is classified as a 'worker'.

However, you must remember that at the end of the day, you are a volunteer – and so you are there by choice. If you feel that this task is not suitable, unsafe, or do not want to do it, for any reason,

then you have the right to refuse. The organisation cannot force you or any other volunteer to do any particular task.

Omnibus Bill Passes Senate

ANALYSIS

On 18 March 2021, the Fair Work Amendment ('Supporting Australia's Economic Recovery') Bill passed the Senate in a version dramatically stripped-down from what had originally been contemplated by both the Morrison Government and their friends in big business.

The ACTU called this a win for workers, while at the same time acknowledging that the casual worker provisions that got up were a defeat. They celebrated:

"BREAKING: The union movement has successfully prevented the worst elements of the Morrison Government's proposed anti-worker 'Omnibus Bill'."

"Thanks to the hard work of tens of thousands of union members and supporters, of the five elements of these dangerous, extreme workplace laws, only one element was passed." (*Australian Unions email blast, 18 March 2021*)

From the middle of last year, the ACTU participated in closed-door discussions with big business and Christian Porter, the

then Attorney-General, Industrial Relations Minister, and sponsor of the Bill. The mass media had been reporting on the ACTU's daily conversations with Porter ("Pandemic reunites a not-so-odd couple", Sydney Morning Herald June 15, 2020). The ACTU strategy rested on maintaining a seat at a table with Australia's biggest capitalists, and their preferred agent, the Liberal government, in order to lessen the blow against us.

Amongst the ACTU's surrenders at this table was renegotiating a weakening of the Better Off Overall Test (BOOT). Behind confidentiality agreements, the ACTU – with its biggest affiliate in tow, the Shop Distributive and Allied Employees Association (SDA), a notorious yellow union – tried to revive a strategy of selling conditions for wages and a seat at the table.

This has been the SDA's tried and true method of "unionism" for decades, depriving workers of hundreds and thousands of dollars in wages and conditions such as penalty rates and leave entitlements. It was this strategy that was exposed in *Hart v Coles*, run by the now Secretary of the Retail and Fast Food Workers Union (RAFFWU), that resulted in the Fair Work Commission applying the BOOT test as legislated. Those actual wins are now being undermined by these confidential negotiations between some unions, the government and big business.

The ACTU expressed its outrage when it was clear that the government and big business were going to put into the Bill whatever it was they wanted anyway, irrespective of the confidential negotiations. They lamented that their negotiating partners had not played fairly and in good faith – as though governments and business had never betrayed us before. What is far more staggering is that the ACTU believed the negotiations to be in good faith to begin with, and gambled with the rights and welfare of the workers' movement on a capitalist promise of fair play.

The ACTU claims a victory in relation to the Omnibus Bill. But four of the worst elements of the bill weren't prevented; they were taken off the table for now. Calling the Government's retreat from the "worst elements" of the Bill a "victory" is misleading.

What the Government did was remove a number of anti-worker provisions, because they had no prospect of success – *at this time*.

The ancient Chinese military strategist Sun Tzu once said:

"If he can fight, he advances and takes the offensive; if he cannot fight, he retreats and remains on the defensive. He who knows whether it is right to take the offensive or the defensive, will invariably conquer."

The Government has taken the defensive. Whether they will invariably conquer is a matter of what we workers do next.

What was the one element that got up?

The provisions to do with casual workers succeeded in the stripped-down Omnibus Bill, entrenching precarious employment across the economy.

In our 11 February 2021 edition, we wrote:

"The Bill seeks to retrospectively unwind the WorkPak vs Rossato decision regarding the entitlement of workers that have been designated by their employer as casual. The decision made it clear that an employer labelling a worker as "casual" did not remove that workers' entitlement to leave as provided by the National Employment Standards within the FWA. The Morrison government has actively opposed this decision, including participating in the employer's appeals against it."

The ACTU summed it up like this:

"The negative element that passed includes a new, worse, definition of casual employment, and reduced liability for employers who deliberately misclassify casual workers."

"In effect, employers will have even more power to designate a worker as a 'casual', with fewer rights than permanent employees, even if the work performed is regular and permanent."

Casualisation permeates every industry across the entire economy not just young people in retail or hospitality. Increasingly they are nurses, teachers, construction workers, truck drivers, and others – it is the capitalist preferred model of employment. That this provision got up is not merely a matter

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of 'one out of five ain't bad'. The success of this provision is a serious defeat for workers and the workers' movement.

Why wasn't there a campaign?

Many unions actually say that there was a campaign. A social media campaign. Petitions, letter writing, phone calls to the cross bench, and making public statements of moral outrage. But what the union movement did not do was organise.

What is organising and what should we have done instead?

The ACTU, through the local Trades and Labour Councils and the affiliate unions, could have organised mass meetings of workers to explain the Omnibus Bill and the dangers it presented to us, our working lives, our pay and conditions and the risks to our ability to organise in our unions.

They could have organised industry group meetings, with our union representatives and leaders, to discuss what kind of strategies we could take – across industries, within industries and within our workplaces to apply maximum economic pressure to defeat the legislation.

We could have been given opportunities to discuss and debate in these mass meetings, what strategies and actions we were willing to take, and what strategies we were not willing to take.

We could have had mass rallies, even with social distancing, around demands that actually matter to our lives.

We could have been supported to take industrial action, in strategic industries, and we could have co-ordinated our support for those strategic industries through solidarity actions, solidarity walk offs, and solidarity fundraising – because in relation to the Omnibus Bill, it is clear that all workers are actually in it together.

These actions would have strengthened workers' power, strengthened the labour movement, and built the kind of fighting union movement that could actually achieve a defeat in real terms, and perhaps even win back some of our wages and conditions that have been lost during years of retreating when faced with employers' offensives.

Sun Tzu also said:

“If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle”

It is time for the workers movement to know our enemy and to know ourselves – and then we will not fear the coming battles.

**If you don't fight you lose.
Touch one Touch all.**

WHAT'S ON

Workers Solidarity General Meeting (Online via Zoom)

Third Thursday of every month

Next meeting 8 April, 6PM

workerssolidarity.org.au

Rally: Stop Black Deaths in Custody Hosted by Warriors of the Aboriginal Resistance (WAR)

Sat 10 April 1pm

Parliament House, Spring St, Melbourne

[search facebook for more information](#)

Exhibition: Ruth Maddison, “It was the best of times, it was the worst of times”

Held at Centre for Contemporary Photography, 26 February – 18 April
404 George St, Fitzroy VIC
more information on ccp.org.au

International Workers Memorial Day

Hosted by Victorian Trades Hall

Wed 28 April 10:30am

Victorian Trades Hall, 54 Victoria St

RSVP at www.ohsrep.org.au

Online Meeting: May 1st Movement

Hosted by Workers Solidarity

Mon 12 April 6:00pm

Speakers include Luba Grigorovitch (RTBU), Paul Keating (MUA), Kivanc Eliacik (DISK), Ho-joon Song (KCTU) and Jiselle Hanna (CPSU)

[search facebook for more information](#)

Marxism Conference 2021

Hosted by Socialist Alternative

1-5 Apr Australia-wide

more info at marxismconference.org

Keep Left 2021: A festival of socialist ideas

Hosted by Solidarity

Sat Apr 3 9:30am – Sun Apr 4 5:00pm

Glebe Town Hall, NSW

[search facebook for more information](#)

Launch: People's Climate Strategy for Victoria

Hosted by Friends of the Earth, Melb

Thu 22 April 6:30pm

Victorian Trades Hall, 54 Victoria St, Carlton VIC

more info at melbournefoe.org.au

Welcome Refugees: Freedom Celebration BBQ

Hosted by Unionists for Refugees, VTHC and RAC, Fri 30 April 6:30pm

Victorian Trades Hall, 54 Victoria St, Carlton VIC

[search facebook for more information](#)

Free the Refugees Daily Protests

Hosted by Stand Together for Justice
Weekdays 5pm, Weekends 3pm

Park Hotel, 701 Swanston St, Carlton

[search facebook for more information](#)