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Organised labour at risk

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Important industrial relations reform could be swamped by the different agendas the government has attached to it, argues Paul Gollan.

Not only the unions but also the ALP will be weakened by the Work Choices act, which comes into force in one week's time, and this highlights the strong link between politics and workplace reform.

The anti-union nature of the Workplace Relations Amendment (Work Choices) Act 2005 and its associated regulations can be exposed by some of the changes: secret ballots will be required before legally protected industrial action can take place; no right of entry to a workplace where all employees are on Australian Workplace Agreements; orders requiring a no-strike cooling-off period if there is significant harm to a third party; and most significantly, the minister may terminate a bargaining period where it affects essential services or is likely to cause significant damage to the economy.

Ron McCallum, dean of the Sydney Law School, recently argued that Work Choices will undermine collective bargaining and unions. At the National Press Club he highlighted that, unlike other countries such as the US, Canada, Britain, Japan and New Zealand, there is no mechanism in the Work Choices act that allows a majority of employees at a workplace to insist that they be dealt with collectively. "The capacity of the trade union to take industrial action is so limited that it can turn collective bargaining into collective begging," he said.

Given that Australian trade union membership is only about 23 per cent of the workforce (and only 17 per cent in the private sector), why is the Howard government pursuing a policy to severely restrict and immobilise the trade union movement?

Howard's long-standing hostility to the union movement has been well documented over the past 30 years. He has provided the political and ideological leadership driving Work Choices. While we can debate the economic rationale of Work Choices, it's the real political agenda

underpinning these IR reforms that is worth examining.

Overall, Work Choices restricts unions' ability to bargain, to enter workplaces to recruit new members and to take industrial action. It will also have the effect of restricting the breeding ground for future ALP leaders.

Democrats senator Andrew Murray suggested at the recent Work Choices Senate inquiry: "Whatever the legitimate criticisms that can be made about the relationship of parts of the union movement with Labor, and we have made them ourselves, it is immoral to target the interests of working Australians for political gain."

The problem for the **ACTU** is that the majority of the voting public has little sympathy for trade unions. Thus the real agenda is hidden from public view.

Opposition Leader Kim Beazley has promised to rip up Work Choices, but the reality is that once established, the bulk of the IR reforms (especially those affecting trade unions) will remain.

As evidenced by the last few weeks in Victorian ALP preselection battles, the link between the industrial and political wings of the labour movement is not an easy one. A key to Howard's electoral success is recognition that policy and politics should be derived from the middle ground, not based on extreme ideology. The political mainstream is where parties win elections.

However, the political force behind the Work Choices legislation and its regulations poses a significant political risk for the government.

Finance Minister Nick Minchin only last week acknowledged this in a speech to the HR Nicholls Society, when he suggested that the great majority of Australians "violently disagree with what we are proposing" on IR reform. One could argue that this is not such a surprise given the politics in Work Choices.

Recent riots by an estimated 1 million disaffected young workers in France underpin the importance and significant dangers for governments in changing workplace laws.

ACTU secretary **Greg Combet** has suggested he was not thinking about getting a future Labor government to "roll back" these IR changes, instead he said, "I've already started to think about how you roll forward". Given the precarious state of the unions and the limitations posed by Work Choices, Combet and the ALP both know time is ticking away.

With only a week to go before the commencement of the full Work Choices act and regulations, the trade union movement is just hoping that in rolling forward it doesn't get crushed. And the Howard government is hoping the political risk will pay off.

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