On the Waterfront ...

UNION MOBILISATION AND THE 1998 MARITIME DISPUTE

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Confrontations between Australian waterfront unions and conservative governments have been a dramatic part of Australia's social and industrial history. The survival of the main waterfront union – the Maritime Union of Australia (MUA) – is once again being tested in a major confrontation with Patrick Stevedores, the Howard Government and the National Farmers Federation (NFF). A Coalition Government sensing an opportunity to seek revenge on this union has orchestrated this confrontation as a first step in a major assault on the Australian labour movement. The attempt to establish a non-union port in Cairns in 1996 and the more intriguing plan to train a strike-breaking/replacement workforce in Dubai were aborted after union intervention. The dismissal of 1,400 waterside workers and another 600 Patrick workers on April 7 1998 signalled the beginning of a full-scale campaign against the MUA.

The developments in the dispute from the time of the sackings to the period immediately after the High Court rejection of the Patrick appeal on May 4 offer unique insights into the successful conduct of a labour campaign. Unions face difficulties working against harsh industrial laws and the mobilisation of bias in the public sphere. The MUA campaign has been successful in adopting tactics and strategies that have been difficult to discredit. Demonising the union depended on creating the popular perception that the MUA has been a monolithic, unrepresentative institution, alien to the experiences of ordinary people. This attempt has largely failed. The dispute highlights the importance of

gaining 'legal legitimacy' for industrial campaigns where possible, but public demonstrations of solidarity remain a critical influence on legal outcomes and public opinion. The level of mobilisation in this dispute has reached historically significant proportions. Although the dispute remains at an unpredictable juncture, it is an indication of the strength of union activism in Australia. The renewal of labour activism worldwide – in established labour movements and the newly reformed labour movements in the Asia, Eastern Europe, and South America suggests that the widespread pessimism about the 'future of labour movements' is not justified.

The Maritime Dispute in Context

There are two contradictory perspectives on the current state of Australia's political economy. The first is the economic rationalist triumphalism about the eradication of inflation, the budget surplus, and declining interest rates. The comparatively high rates of economic growth still mask more deflationary conditions underlying Australia's domestic and external economic situation. A second, less acknowledged, reality is emerging in the social and economic costs of economic rationalisation: continuing high levels of unemployment and underemployment, declining job security and income mobility, and a serious decline in the services and opportunities available in regional Australia. Sydney is arguably making the transition to a 'world city' despite its rent and housing crisis (*Sydney Morning Herald*, May 30) but the economic weakness of many other Australian cities and regions indicates that a pattern of uneven development is threatening the political-economic coherence of Australian society.

Francis Castles' description of Australia as a 'wage earners' welfare state' is the best way of understanding how work and welfare have been traditionally combined in Australia's political economy (Castles 1985). The normative orientation towards 'fair working conditions' has provided the basis for economic redistribution and social inclusion anchored in centralised, award-based wage determination and arbitration. This structure is now being placed under pressure by new policy directions towards labour market deregulation. Perceived threats to the

traditional conditions of employment in Australia have mobilised the labour movement more than cuts to the welfare state. By contrast, in France, with a stronger *statist* tradition, variants of political unionism have tended to ignite mass protest and strikes over social welfare cuts.

The current Maritime dispute caricatures the historical class forces in Australian politics and society. This is because class cultures have long memories. Barbalet (1995) has written about the elite 'fear' of a rebellious subordinates in his efforts to reconstruct a theory of class. These fears also produce a historical class culture that is mobilised when later shifts in the balance of power enable particular class actors to seek revenge for past losses. The Australian waterfront union triggers such emotions and resentment for Australia's establishment. The 1928 strikes and campaign that helped destroy the anti-union Bruce-Page Government in 1929 (Beasley 1996:77-92) and the three week waterfront strike in 1956 that threatened the Menzies Government and pressured the Arbitration system for big pay increases (McKinlay 1979:486-487) are obvious examples. Other forms of political and social unionism exercised by the union on the Vietnam War or South African apartheid are similarly resented.

The crisis in rural Australia has provided the Coalition with a substantial and emotive class ally in the NFF. The artificially mobilised drama of the conflict –'battling farmers' versus 'militant, irresponsible wharfies' – has given the anti-union political forces a powerful and popular ally in their campaign. Disputes are often legitimised when an innocent third party (the farmers) can be portrayed as a victim and the Coalition Government has worked on this knowledge. Moreover, the MUA evokes strong responses from rural elites, as we have witnessed during the protests by farmers in NSW. Mobilising this fear and resentment in rural Australia has added to the emotional drama of the dispute and demonstrated how the 'politics of fear' pervades regional and rural Australia.

The Media and the Production of Public Opinion

Labour disputes have always received hostile media attention. In the last thirty years, more effective techniques of discrediting activist labour

have emerged. The traditional mobilisation over breaches of 'national duty' by militant labour has been replaced by the dramatised portrayal of the 'economic damage' caused by industrial action. Public opinion polls have become instrumental in the contrivance of a 'general will' against industrial militancy. The surveying of public opinion has become an essential part in producing pseudo-legitimacy and agenda setting for organised, dominant interests (Hyman 1988:151-153). This does not mean that all opinion polling is inaccurate or unuseful. In fact, accurate information about public attitudes is essential to the conduct of difficult campaigns, shaping the strategies of actors, and also allows one of the few forms of concrete insight into mass opinion.

The Coalition had prepared its slogans and media campaign to influence public opinion about the wages and work performance of waterside workers well in advance. The most obvious example of this has been the strategic role of *Channel Nine* in the overall anti-MUA campaign. *Channel Nine* appears to have worked closely with the Howard Government in preparing the public for potentially unpopular political and economic reforms since 1996, using its current affairs programs to raise sensitive issues that the Coalition Government has later exploited. The *Sixty Minutes* program filmed in September 1997, and screened prior to the Patrick dismissals, taped waterfront workers allegedly leaving early on their shifts and questioned their pay, conditions, and productivity. This program appears to have been a crucial element in the propaganda campaign. The decision to replay this 'investigation' on April 26 at a pivotal moment in the dispute only confirms this involvement. The messages of this program reinforced the idea that wharfies have 'special rights', refusing to accept the national 'duty' of wage restraint and increased work intensity.

The Coalition has fused a perception of the MUA as a minority interest having special advantages (a right wing tactic imported from the United States) with a well-rehearsed hostility towards militant unions kept in reserve for decades. The anti-union forces understood that a coercive and interventionist solution to the labour productivity 'problem' on the wharves would be tolerated by the broader public if it could succeed in the demonisation of the MUA. The use of the vernacular, in particular the nickname 'wharfie', has also been significant in reducing the

symbolic violence attached to the dispute by conceding that wharfies are an Australian historical institution but who also 'rort' and 'need a good dusting'.

The use of propaganda has aimed at crowding out any rational response by the union movement about the productivity claims of Patrick and the Government. The Coalition's key representatives, Prime Minister John Howard and Minister for Workplace Relations Peter Reith, have both executed a well-rehearsed offensive strategy. Moscovici (1985:114) has examined two chief elements of modern propaganda: repetition and affirmation. Both tactics have been evident in this case in order to eliminate any effective opposition and to close off the rationality of alternative solutions. Reith's use of repetition – indiscriminately and continually presenting distorted facts about wages and hours of the wharfies in interviews and speeches – has taken on an exhausting (arguably ineffective) dimension. The use of affirmation in the form of rhetorical questions or set-up questions with obvious answers posed by sympathetic journalists has tended to dramatise and exaggerate the prospects of no reform. John Howard is particularly adept at rhetorical gesturing and phrasing about Australia being left 'at the mercy' of, or 'held to ransom' by, the MUA.

The confronting form of the dismissals of the April 7 Patrick sackings and Reith's announcement of the decision late that evening was a blunder on the Coalition's part, suggesting that the Government intended to play a highly visible role in the confrontation. This stemmed from an overconfidence that the high number of Australians affirming waterfront restructuring in opinion polls would translate into support for sackings and confrontation. The Morgan poll conducted immediately after the events of April 7 indicated a much lower level of support for Patrick and the Government. Evaluation of the poll data revealed further interesting information: opposition to Patrick was highest among *blue-collar workers* (54%-39%), and *young voters* (52%-37%). Voters outside capital cities also expressed disapproval (49%-42%) although later polling showed some polarisation between city and country areas (Roy Morgan Research 1998a). This suggests that the entry of the NFF and the Government's regional advertising campaign weakened opposition to Patrick's actions as the 'city versus country' dimension of the dispute

became apparent. (Roy Morgan Research 1998b). More predictably, the division of opinion took a party-political dimension and, consistent with this, Victorian voters expressed strongest opposition.

A large number of voters (48%) thought that weakening or 'destroying union power' was *one* of the primary motivations of the dispute, whereas 47% thought the dispute was *solely* about productivity (Roy Morgan Research 1998b). In Victoria, where the strength of the Trades Hall leadership and its ability to mobilise is remarkable, 59% of voters thought the dispute was in some measure about destroying the trade union movement. Although very few voters thought the actions of Patrick could be applied to them (14%), suggesting the appeal to 'job insecurity' by the Opposition is not resonant in polling responses, this may indicate that public support for the union is largely solidaristic. The *Financial Times* in London reported this more frankly in concluding that class politics had returned to Australia (*Financial Times*, April 9).

The MUA-ACTU Campaign

The MUA and ACTU campaign in defence of the sacked workers developed in three arenas: the courts, the pickets or 'peaceful assemblies', and in politics with the ALP leadership targeting the Howard Government's involvement. The level of solidarity between the three organisations has been high, especially between the ACTU and the MUA, an important factor in developing a unified and mobilising strategy. The MUA-ACTU campaign compares favourably with the divided and demoralised British labour movement during the massive 1984-85 confrontation between the National Union of Miners (NUM) and the Thatcher Government. This division was instrumental in the weakening of the NUM campaign. Certainly, some editorial and political opinion saw the MUA confrontation in the same triumphant way that corporate leaders and the right now view the Wapping and NUM strikes[1]. While the political significance of the dispute has been

1 Deputy Prime Minister, Tim Fischer, described the dispute as "Australia's Wapping".

recognised by a large number of Australians, the prominence of the dismissals – not strike action – has tended to weaken the image of the union as the antagonistic party.

The successful court actions pursued by the MUA have been important in giving the MUA campaign more legitimacy, and the public representation and handling of the dispute by the union movement has disarmed the media. A general conclusion from sympathetic observers of the 1984-1985 NUM campaign was that the union did not change the symbolism and meaning of the strike portrayed by hostile publicity. The political-economic circumstances and the acquiescence of British labour movement made this very difficult but there were weaknesses in union strategy. Jones (1986:194-199) notes that Arthur Scargill's condemnation of the role of the press and his control over the media presence for the NUM contributed to his personal 'demonisation' and allowed the media to avoid dealing with the human consequences of the pit closures or possible alternative solutions.

The MUA has maintained a diversified public presence, partly because the picket sites have been geographically separated, creating an impression of a well-organised, personable, and principled union defending their rights to unionised employment. John Coombs has the good fortune of sounding simultaneously reasonable, witty, and principled. Other unionists such as Paddy Crumlin, Mick Doleman, Robert Coombs and others have played important roles in communicating with the media. The ACTU's Jennie George and the Trades Hall leader in Victoria, Leigh Hubbard, have also played critical roles in demonstrating to a mass audience the solidarity and depth of cross-union support.

The transformation of the pickets into 'peaceful assemblies' has served more than legal purposes. The portrayal of pickets as sites of violence and anarchy is one of the principal ways strike action and labour struggle is discredited. Every act of aggression is now the potential focus of dramatic television coverage. Moreover, in fast moving disputes, it is difficult for unions to communicate about structural violence embedded in laws and the extraordinary scope of 'legitimate violence' invested in police and military forces. Hain (1986:231) makes an important point with respect to the British miners' strike:

> The unprecedented level of police aggression and harassment of strikers created conditions in which violence both on and away from the picket was inevitable ... But the blame for this was never perceived by the public to lie with the police or the government, partly because the strike organisers dealt inadequately with it. Instead of publicly urging members not to be provoked by the police, they remained silent, only condemning attacks on working miners and their homes late in the strike.

The MUA pickets – demonstrating the creativity and innovation of effective collective action – could not eliminate the attacks typical of the tabloid press but the adoption of peaceful resistance tactics clearly blunted the discrediting process. The decision to adopt disciplined peaceful resistance techniques (employed in anti-nuclear protests in Europe) at most of the pickets strengthened solidarity, increased the difficulty in moving people, and weakened the will of the police force to identify activists as violent enemies. This is an example of how 'learning processes' between social movements have the effect of enhancing the symbolic and practical effectiveness of civil disobedience. The publicity from the pickets demonstrated the community 'embeddedness' of the dispute. High profile Labor leaders, actors, international trade unionists, and *Women of the Waterfront* gave credibility to civil disobedience. The sophisticated organisation of rosters by volunteers and other trade unionists and the big turnouts at strategically important times (to stop trucks) clearly intimidated the establishment, as John Pilger pointed out (*Sydney Morning Herald*, May 12). The lesson is not 'winning a media war' – which is hard to do in the mass communications arena alone – but disarming and neutralising the tactics of the media that aim at creating broader support for the widespread use of force.

The ability of the union movement to broaden the meaning of the dispute, especially on the two fronts of government involvement and job insecurity, was assisted by the clumsiness and arrogance of the anti-union forces. Mark Paterson, of the ACCI (Australian Chamber of Commerce and Industry), made a serious mistake in admitting the Patrick dismissal method could be used elsewhere (*Sydney Morning Herald*, April 18). The union movement used the huge rallies in Melbourne and on May Day to capitalise on the growing public

disaffection with the Government's role. As conspiracy claims continued, the MUA and ACTU could legitimately threaten the Coalition with a disruptive campaign before the election. As labour disputes of this nature and size often involve quite underhand political and corporate tactics, labour movements may need to become adept at pursuing conspiracy claims in an effort to discredit corrupt parties.

The union movement has not effectively counteracted the chief aspect of propaganda campaign – the productivity issue – but this can be achieved in other ways, some in operation during this stage of the dispute. Labour's 'public sphere' emerges from strong organising and democratic communication in workplaces; the mass delegate meetings in Sydney and Melbourne were remarkable events and clearly unsettling for business and the Government. Mass leafleting remains an effective tool of labour. In 1956, 1,000 striking WWF workers demonstrated outside the *Sydney Morning Herald* offices demanding truthful representation: as Ralph Gibson reports after the demonstration, "The press reporting on the strike was noticeably less biased after this event." (McKinlay 1979:487) While the mobilisation of bias is a serious problem in most mass communication systems, especially for unions, media corporations are sometimes sensitive to community campaigns that target credibility and bias.

The Relationship between Law and Solidarity in the Dispute

The legal victories of the MUA may be recorded as a key turning point in the dispute but it is important that these do not vindicate one-sided, legalistic approaches to resolving conflict. There has been a clear and complementary relationship between law and solidarity working in favour of the MUA. As Habermas (1997) has recently argued, legal adjudication in an ideal sense depends on the rational interpretation and application of legal principles that also conforms to the legitimate expectations of a democratic community. In the background of the legal proceedings, the clash between unionists and anti-union political and corporate forces took on the shape of a debate between 'workability' and illegitimacy. Patrick and the Government referred to the 'workability' of

legal decisions as a way of effectively neutralising adverse outcomes as impractical. This may have been an implicitly potent frame of reference for a court considering the application of law and the legitimate options open to it - in particular, reinstatement versus compensation.

The civil disobedience in the form of huge pickets had a double effect: it expressed the invalidity of Patrick action as an appeal to principles of democratic fairness and at the same time prevented the functioning of the business, thereby keeping open the field of options for the courts. If Patrick succeeded in returning to normal stevedoring during the hearings, it is possible that the reinstatement case would have been weakened. The various judges made it clear that 'unnecessary chopping and changing of the workforce' was a practical consideration of the court. Despite the protestations of Peter Reith and Chris Corrigan (*Sydney Morning Herald,* April 22), the 'unworkability' argument of the courts lacked its crucial ingredient: a functional Patrick stevedoring outfit supported by zealous and triumphant media coverage.

Mobilisation Levels Placed in Context

It is difficult to know whether the Coalition anticipated a divided response from the rest of organised labour. The international boycott has proven far more effective than the Government may have expected. Indeed, the dispute has activated a lot of solidarity protest and international discussion, some of it present on the internet. In Australia, the Coalition could count on some level of demobilisation in key states even if expectations of division were unrealistic. Large differences exist in the mobilisation capacities of the NSW and Victorian labour movements, reflected ultimately in more favourable public opinion in the latter state. However, the dispute has generated enough spontaneous organising and activism to produce a critical mass of solidarity. The Victorian Trades Hall Council has taken a highly activist role in organising the dispute in Melbourne, in contrast with the less visible activities of the Labour Council of NSW. The political affiliations of some unions have not been good indications of mobilisation. For instance, the right-wing NSW branch of the Nurses Federation has been active in the organisation of the dispute in NSW.

The strategic paralysing of the Patrick business - both internationally through the ITF (International Transport Workers' Federation) and through the pickets in key states - circumvented the risky process of generalising the dispute through sympathy strikes. Defiance of very severe laws against secondary boycotts will be necessary (and probable) in the future but the union movement has been successful so far in building an effective, many-sided campaign without overtaxing solidaristic strikes that are risky in financial and political terms. The preparation of the union movement and its rank-and-file constituency for mass action requires that the union exhausts less riskier options first and at the same time demonstrates to its members that a fundamental shift in the balance of power is taking place. These preparations can (and are) being tied to protests over award stripping and public sector cutbacks.

The union presence in Newcastle is not discussed here, but analysis of picket attendance in Sydney indicates where union mobilisation lies in NSW[2]. White-collar numbers were highest from the CPSU (Community and Public Sector Union), the NSWTF (NSW Teachers Federation), the Nurses Federation, the NTEU (National Tertiary Education Union), and the ASU (Australian Services Union). In terms of the *rate of mobilisation* (participants/member ratios), some of the smaller unions have been impressively represented. Maintaining delegate and activist networks may be easier in smaller unions despite the general adherence to a servicing (i.e. *non-mobilising*) culture.

As Shalev (1990:120) notes, white-collar industrial action has been increasing throughout the industrial world, but not enough to offset the decline in blue-collar activity. Over the last decade white-collar unions have been important in many nations in organising 'political strikes' against the attacks on the public sector and social spending, especially in France and Canada. High attendance levels from white-collar unions in the waterfront dispute indicates not only the significance of the dispute to organised labour but may also signal a repressed militancy in Australia's public sector unions after years of job cutbacks.

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2 Union activism varies across states and the extraordinary efforts in Fremantle and Melbourne deserve separate analysis.

The strongest blue-collar union attendances included the CFMEU (Construction Forestry Mining and Energy Union), the NUW (National Union of Workers), and the AMWU (Australian Manufacturing Workers Union). Some of these unions organised contingents of workers to visit the pickets (in both Sydney and Melbourne) as well as maintaining regular picket attendance. Smaller unions such as the NSW FBEU (Fire Brigade Employees Union) have been visible and active. The MUA itself has maintained an effective presence at all times of the dispute.

In terms of overall popular mobilisation, the Maritime dispute has already achieved impressive proportions. If mobilisation is defined as attending a picket or demonstration in support of the MUA workers, a bare minimum level of popular mobilisation is arrived at by counting *only* the largest picket or demonstration at each protest site (to avoid double counting). This is an unrealistically conservative assumption but it produces a mobilisation statistic of over 100,000, not far short of the total mobilisation during the 1970-71 anti-Vietnam War protests. This number exceeds 1996 anti-gun reform protests, and anti-Greiner rallies organised by the NSW Teachers Federation in 1988. Although recent strikes have been larger (such as the strike in 1989 against NSW industrial relations changes), little mass labour mobilisation has taken place outside Victoria and Western Australia. The demonstration of 75000 in Melbourne on May 6 supporting the MUA exceeded numbers at Victoria's recent anti-Kennett labour rallies. A national construction workers strike, for instance, is just one possible extension of the 'protest wave' that may follow from this dispute. Major strikes and labour protests often produce new networks, strategies and horizons for struggle (Ansell 1997).

During the British miners' strike, the largest picket was about 10,000 (Reed & Adamson 1985:21), larger than the biggest MUA picket at East Swanston Dock (Melbourne) but *not* in per capita terms. The largest NUM rallies were smaller than the Melbourne rally on May 6 1998. Although the number of people at pickets in Sydney reached about 1,000 on only one occasion, far greater uncertainties about police confrontation generated the largest picket in Australian history at East Swanston Dock in Melbourne, where numbers reached nearly 5,000 on the weekend of April 18-19.

Labour Movement Renewal and Activism

Although the outcome of the waterfront dispute is unclear, this struggle represents a blend of the 'old' and the 'new': a conflict on one of labour's classic terrains but one that has harnessed new activists, methods of tactical resistance and forces for labour solidarity. The international dimension of the dispute has been illustrated by the solidarity of community activists and the ILWU (International Longshore and Warehouse Union) on the U.S. west coast in preventing the docking of 'scab ships'. Kim Moody (1997) has captured the spirit of renewed struggle in the world labour movement in his analyses of recent French, Canadian, and Korean strikewaves. One can add to this list the Danish general strike, the Russian miners' strike, and the prospect of further dramatic confrontations in South Korea. Moody observes that many of these protests have succeeded because of the determination of those actors and participants 'from below', as militants in the labour movement work around tired bureaucracies and compromising conservatism (Moody 1997:15-23).

Some sociologists have forecast the end of labour as a social movement (Touraine et al. 1987). The patchy but definite renewal of the *social embeddedness and meaning* of labour protest - activism, defiance, and solidarity – suggests that this is not accurate. The worldwide resurgence of May Day protest indicates the extent to which labour is prepared to act in defiance of neo-liberal restructuring. It remains to be seen whether demonstrations of defiance are transformed into strong work-centred movements for social and economic change in these countries. The different forms of renewal include the increasingly political nature of strikes in some countries such as France and Korea (Aligisakis, 1997) and bitter local struggle in other places where unions do not have a general capacity for widespread mobilisation (such as the USA). The waterfront confrontation presents the labour movement with daunting challenges, especially in regulating new employment relations, and new opportunities for reconstruction and renewal. If Australian history is any guide, the dispute will have a long term significance one way or the other.

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