

Australia: Prosecutors drop blackmail charges against construction union officials

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The Victorian state Director of Public Prosecutions (DPP) announced in May that it would not proceed with blackmail charges against two officials of Australia's main construction industry trade union.

Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) officials Shaun Riordan and John Setka had been arrested on blackmail charges at the end of 2015. They were alleged to have threatened to escalate black bans on building supply company Boral unless it ceased supplying concrete to construction firm Grocon, with which the CFMMEU was in dispute. The threat was supposedly made during a meeting between the pair and two Boral executives at a Melbourne coffee shop in April 2013.

The laying of criminal charges against Riordan and Setka undoubtedly had the backing of the federal Liberal-National Coalition government. Its trade union royal commission mooted the charges in December 2014. The intention was to re-establish the use of criminal law to punish industrial action, winding the clock back to the nineteenth century.

The CFMMEU and its cheerleaders in various pseudo-left outfits proclaimed the DPP's decision a major blow to the government's agenda, and the result of the union's supposed militant opposition. Socialist Alternative's *Red Flag* gushed: "The victory, in part, is because the CFMMEU and supporters have continued to rally and 'break the law' to protest and protect union rights on the job."

The fake left groups have a long record of backing the pro-capitalist trade union bureaucracy, which has suppressed the struggles of workers for more than four decades. In particular, they have promoted the CFMMEU as a "militant" union because of its key role in containing industrial action by construction workers on major building projects.

The CFMMEU's preparedness to "break the law" amounts to nothing more than the periodic conduct of limited stoppages and public displays of bluff and bluster by the union's officials. Such activity has nothing to do with defending workers' rights or interests. Rather, the CFMMEU applies pressure to big construction companies to retain the union's services as an industrial police force. At the same time, the militant posturing serves to keep a grip over the union's members.

Such was the union's agenda in its 2012–13 dispute with Grocon. The picketing at one of the company's Melbourne sites and bans on Boral concrete deliveries sought to enforce the CFMMEU's demand to appoint health and safety delegates on the site, instead of allowing the site's workers to elect them. Such delegates, paid by the construction companies, act as an additional layer of union officials, working to enforce construction deadlines and prevent wildcat industrial action.

The decision to withdraw the blackmail charges was based on a recognition by sections of the ruling elite of these services that the CFMMEU provides, including in containing the anger of workers over the criminal charges themselves. From the outset, the union sought to prevent any broad mobilisation of the working class to oppose the attack and channelled the opposition to the charges into a legal challenge.

This was fully in line with the union's protracted role in preventing any genuine struggle by construction workers against the deepening assault on their conditions carried out under both Coalition and Labor governments.

In dispute after dispute, the CFMMEU has utilised the Fair Work industrial laws to isolate and close down industrial action and impose sell-out work agreements.

The anti-strike laws were introduced in 2009 by the last Labor government with the full support of the unions, including the construction and maritime unions.

The stunts of the CFMMEU and its officials to apply pressure to construction companies are regularly splashed across the corporate media, in order to present the union as a nemesis of the employers. In reality, minor breaches of industrial laws by union officials, verbal clashes with site managers and other protests pose no serious challenge to the ongoing corporate offensive.

Moreover, fines against union officials resulting from such actions are settled by the union handing over millions of dollars of membership funds. In 2015, for example, the CFMMEU paid \$9 million to Boral and \$3.55 million to Grocon to settle lawsuits over the 2012–13 dispute.

No doubt, there were concerns in ruling circles, including in Victoria's state Labor government, that to proceed with the prosecutions of the two union officials could spark mass opposition in the working class that could get out of the control of the unions and begin to challenge the entire pro-market agenda.

Setka and other CFMMEU officials also play a key role in shoring up the Labor Party. There was a significant incident at the party's Victorian state conference in May when the union joined with the Australian Workers Union (AWU) to provide a block of votes to defer a number of contentious motions.

One resolution proposed a meagre increase to the poverty-level Newstart unemployment allowance. Another called on Labor to end support for the offshore detention of refugees, and one advocated recognition of Palestine. After the conference, Setka defended the deferrals—which essentially scuttled the motions—as “democracy in action.”

In reality, the operation was designed to reinforce the leadership of Labor leader Bill Shorten and signal to the ruling class that a Shorten-led Labor government would continue the drive to war, austerity and the erosion of civil liberties (see: “Australian unions shut down state Labor conference to suppress discussion of anti-refugee policy”).

Setka has been at the forefront of presenting Shorten as a champion of workers' rights, in a bid to overcome the working-class hostility to the Labor Party. Addressing the media after the blackmail charges were

dropped, Setka declared the “legacy” left by the Labor governments of Kevin Rudd and Julia Gillard “an absolute disgrace” but said he believed Shorten was trying to make the Labor Party “how it used to be, actually standing up for working people.”

The truth is that the Labor Party has always been a pro-capitalist party, tying the working class to the dictates of the private profit system. Working in close partnership with the unions, the Hawke and Keating Labor governments of the 1980s and 1990s restructured the economy in the interests of big business, at the expense of the jobs, wages and conditions of the working class.

Shorten himself became a long-time leader of the AWU as a result of that process, and ruthlessly sold out the conditions of low-paid workers, including penalty wage rates. He was then elevated as a senior minister under Rudd and Gillard, whose governments bailed out the banks after the 2008 global financial crash and worked hand-in-glove with the trade unions to impose the burden on the working class.

Setka's praise and support for Shorten is revealing, but it is no accident. It epitomises the efforts of the unions, and their “left” appendages, to subordinate workers to the return of yet another big business Labor government, and prevent a turn to an alternative socialist perspective.



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