

The Sydney rail dispute and Labor's war on workers' democratic rights

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The Fair Work Commission (FWC) yesterday made an interim order, suspending all industrial action by New South Wales (NSW) rail workers until the tribunal rules on the state Labor government's application to have the action permanently shut down.

Under Section 424 of the Fair Work Act, the FWC can suspend or terminate industrial action on the basis that it *threatens* to cause significant economic harm. In the event of termination, the dispute will be settled by the FWC through arbitration.

The interim order, which instantly gives the government what it wants, was made because the FWC claimed it would not be able to convene a full-bench hearing and issue a decision within five days, as is required by the Act. Under the blatantly anti-worker rules of Section 424, the benefit of this delay goes to the employer, before a shred of evidence is presented.

The news concluded a day of stepped-up threats and intimidation from the Labor government. NSW Premier Chris Minns accused rail workers of putting a "noose around" the public transport system. This deliberately inflammatory statement presenting train staff as enemies of the population was virtually an incitement against them.

A spokesperson for Prime Minister Anthony Albanese declared federal Labor's support for the NSW government's legal attack, stating, "We support the efforts of the Minns government to bring this dispute to an end."

This is the latest stage in a months-long campaign by state and federal Labor governments and the ruling elite to shut down industrial action. Virtually every struggle by workers is now met with harsh repression and even illegalisation.

Rail workers are now in the crosshairs, but this offensive has also targeted thousands of Woolworths staff and workers across the entire building sector, among others.

Every experience has demonstrated that this onslaught cannot be fought within the framework of the unions, which insist that workers have no choice but to comply with the orders of the industrial courts.

The response of the Rail, Tram and Bus Union (RTBU) bureaucracy to every new provocation by Labor has been to liquidate planned strikes and give the government everything it asked for. Their bankrupt perspective was starkly expressed when it answered the government's December 24 FWC case by preemptively suspending industrial action, telling workers this was "how you beat these sorts of applications."

This means workers need new organisations of struggle, under their own leadership and control. Rank-and-file committees should be built in every rail depot, and in workplaces across every industry, including throughout the NSW public sector, where workers all face the same real-wage cutting offers from the Labor government.

Through a network of these committees, workers can take up a unified struggle, not just against the bosses, but against the capitalist system and all its organs, including Labor, the industrial courts and the repressive laws they enforce.

NSW rail workers are up against a Labor government that has declared any level of industrial action to be "intolerable" and is determined to ban any expression of workers' hostility to its austerity agenda. This is by no means unique to the rail dispute or the NSW government.

The 17-day strike in November-December by 1,800 workers at five warehouses owned by Woolworths and its supplier, Lineage, was one of the largest and most significant industrial fights in Australia in recent years. Although only impacting around one quarter of the major supermarket chain's distribution centres, the stoppage immediately drew the ire of the federal Labor government, which demanded from day one that the dispute be brought to a swift conclusion.

Woolworths' failed attempt to break the strike and forcibly reopen a Melbourne warehouse with the assistance of police was used as a pseudo-legal basis to enlist the services of the pro-business FWC. In an unprecedented and draconian ruling, the tribunal declared the picket "unlawful" and a breach of "good faith bargaining," and banned union officials from blocking access to the facility or encouraging workers from doing so. This was despite the action being legally approved under the strict constraints of the Fair Work Act, which renders industrial action illegal outside tightly limited periods of EBA bargaining.

The United Workers Union (UWU) bureaucracy seized upon the FWC ruling as a pretext to shut down the strike and ram through sell-out deals at all five facilities, which did not abolish the punitive performance monitoring "Framework" and imposed nominal wage increases barely higher than the company's original offer.

Throughout the strike, despite its vast resources, the UWU provided no strike pay, helping the company starve workers back to work and kept them isolated from the broader sections of the working class. When the country's largest employer, in concert with state and federal Labor governments and the Australian Council of Trade Unions (ACTU), made repeated attempts to break the strike, the UWU said not a single word on social media and ensured that there was no organised mobilisation of workers to defend the picket.

Several months earlier, the federal Labor government carried out the most blatant attack on workers' democratic rights in decades, placing the construction division of the Construction, Forestry and Maritime Employees Union (CFMEU) under administration.

The entire operations of the union and the capacity of its 80,000 members to take legally protected industrial action were placed in the

hands of a quasi-dictator, answerable only to big business and the government. Almost 300 elected officials, delegates and organisers were immediately sacked.

This was aimed at neutering a historically militant section of the working class, in order to drive down the wages and conditions of building workers amid an economic downturn in the construction industry and more broadly.

This filthy operation was conducted with the full-throated support of the ACTU and most of the country's unions. Even the ousted former leaders of the CFMEU bureaucracy and their cronies in the other building unions have sought to prevent a fight by workers against the administration. They organised only a few token protest rallies to allow their tens of thousands of furious members to let off steam before dissolving the campaign into a High Court case that has already kept workers sidelined for more than two months.

This is because the sole concern of the sacked CFMEU officials is to reclaim their privileged positions at the top of the bureaucracy, and resume their highly paid roles as the chief suppressors of wages, conditions and the broader class struggle.

The CFMEU administration and the Sydney rail dispute have starkly demonstrated that workers are up against not only big business and Labor governments but also the entire capitalist establishment, including the corporate press. In both cases, the Nine Entertainment media have played a critical role.

The entire pretext for the Labor government's attack on construction workers was created by Nine's "Building Bad" series, which contained lurid and still unproven allegations of corruption and organised crime connections within the CFMEU.

During the rail dispute, the *Sydney Morning Herald* has continually denounced rail workers, claiming that even the most limited industrial bans were driving the city into chaos and ruin. Together with the Labor government, the *Herald* and other media outlets have waged a propaganda campaign against rail workers, aimed at confusing readers and covering up the fact that workers face a common struggle.

The entire working class is under assault, overseen by a federal Labor government that has presided over the greatest fall in working-class living standards in 50 years. State Labor governments, with the full assistance of the trade unions, have delivered one real wage cut after another throughout the public sector, including health and education workers.

The ruling elite is well aware that the growing crisis of world capitalism demands even deeper cuts to working-class wages and conditions. Under these conditions, they are determined to shut down any industrial spark before it can ignite a broader class struggle.

Already, Australian workers are subject to one of the most draconian industrial relations frameworks of any advanced capitalist country.

The ACTU-Labor Accords of the 1980s provided for the deregulation of the economy and the mass destruction of whole sections of industry and hundreds of thousands of jobs. This was followed in the early 1990s with the introduction of enterprise bargaining, dividing workers into individual workplaces, preventing industry-wide strikes.

The repressive measures were deepened with the 2009 Fair Work Act, introduced by the Rudd-Gillard Labor government and drafted in close collaboration with the ACTU bureaucracy.

Under the Act, industrial action, except over immediate health and safety threats, is only permitted during narrow enterprise bargaining periods, which typically occur only once every three to four years. Even then, workers are only allowed to strike or implement work bans

after demonstrating that they have tried to negotiate in "good faith," receiving approval from the pro-business FWC and giving sufficient notice to their employer.

Increasingly however, even industrial action that fits within this repressive framework, which has been used to suppress the class struggle for decades, is considered unacceptable by the political and corporate establishment. In response, the current Labor government is spearheading the further repression of workers' already limited industrial rights.

Labor's attack on the rail dispute is a direct threat to the rights of every single worker. The entire working class must be mobilised to ensure that this does not become a precedent to be repeated in one workplace after another.

This is impossible under the leadership of the trade unions, which are an integral part of the Labor Party and its governments, which are leading the attack on workers. Moreover, it is fundamentally incompatible with the unions' modus operandi of isolating workers in individual workplaces, covering up the common root of all workers' struggles and preventing workers from taking unified action.

This means workers, at Sydney Trains, throughout the public sector and more broadly, need to take matters into their own hands. Rank-and-file committees, politically and organisationally independent of any union, must be built in workplaces across the country.

Fundamental political questions are posed. What workers, across Australia and globally, are up against is the reality of capitalism under the rule of the oligarchy, entailing a continuous ratcheting up of exploitation and harsh repression of any attempt by workers to fight back.

Defeating this will require a unified political struggle, not just against Labor and the industrial courts, but the capitalist system and its subordination of every aspect of workers' lives to the profits of the financial and corporate elite.



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