



Border bans 'mean strikes hit harder'

David Marin-Guzman

Workplace correspondent

Resources employers are demanding greater barriers to industrial action due to concerns that coronavirus restrictions and states' hard borders will exacerbate the impact of strikes on major projects.

The Australian Mines and Metals Association called on Industrial Relations Minister Christian Porter to increase the notice for industrial action from a maximum of seven days to "at least" two weeks, in line with quarantine periods, and ensure the tribunal can consider pandemic issues that would make it difficult for employers to respond to a strike.

The push comes as a contractor for "safety critical" workers at Woodside projects in WA warned that uncertainty over border closures and interstate workers' fears of being locked out meant it would struggle to mobilise a replacement workforce to mitigate the effect of threatened stoppages.

Acting AMMA chief executive Tara Diamond said the Fair Work Act was "providing unions with a huge advantage in enterprise bargaining during the COVID-19 pandemic."

"Seven working days is nowhere near enough time for employers to effectively prepare for and respond to protected strikes due to the logistical challenges presented by the COVID-19 pandemic," she said.

"This makes the current prospect of protected industrial action an even greater threat to an employer and the Australian economy."

More than 60 Applus union members at onshore and offshore Woodside projects on Monday voted to back stoppages and work bans in support of an enterprise agreement and their union says it is now "all systems go".

However, Applus, which exclusively provides safety certification for Woodside, has warned that disruption could lead to potentially "catastrophic safety consequences" for the resources giant.

More than 50 per cent of the contractor's workforce has been based in the eastern states since the start of the pandemic.

"The recent NSW and South Australia border closures at short notice highlights the difficulties Applus has faced

in mobilising workers to site and has also meant that some workers who would be able to travel interstate have been reluctant to do so because of the risk they may get locked out of their home state," Applus told the Fair Work Commission last month.

The company successfully secured the maximum seven-day notice for industrial action – more than double the three-day default – after the commission held the coronavirus created "exceptional circumstances".

Ms Diamond said the commission should have discretion to consider broader issues when granting access to protected action.

"There is no ability for FWC members to consider other circumstances, such as whether a global health pandemic would make responding to strikes difficult or impossible for the employer, and/or if circumstances meant protected strikes would have an exacerbated commercial impact on the business," she said.

But Australian Council of Trade Unions secretary Sally McManus hit back, saying "it is very unfortunate that extremist employers pursue taking human rights off workers".

"Industrial action is at record lows, so is wage growth. These two things are linked," she said. "We already have some of the most restrictive laws in the world. Whilst this power imbalance exists inequality will continue to increase and the standard of living for Australians will decrease."

Australian Workers Union WA secretary Brad Gandy said Applus workers "don't take the threat of industrial action lightly, but Applus left us with no choice by refusing to engage with us and meet any of our key demands around job security and rostering".

"The Offshore Alliance will now consult with members over what course of industrial action we will pursue over the next 30 days but will ensure that safety is not put at risk at any sites."

A spokesman for Woodside said 90 per cent of its workforce resided in the state, supported by interstate and international specialists, and it worked with contractors to "minimise the number of their employees that need to enter WA".

"Woodside remains focused on con-

tinuing safe and reliable operations."

A WA government spokesman said border controls were "a separate issue to the industrial action".

Key points

Employers say unions won bargaining advantages during the pandemic.

The Fair Work Commission should have greater discretion: employers.