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Picket Line Dispatches

Rowan Cahill
University of Wollongong, rowanc@uow.edu.au

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Picket Line Dispatches

Abstract
During 2000 a bitter industrial dispute took place in Moss Vale on the Southern Highlands of NSW. Following the breakdown of negotiations for a new Enterprise Agreement, 63 Joy Mining Machinery workers spent 205 days on a picket line, variously locked out of their workplace, or on strike. Rowan Cahill covered the dispute for the NSW Labor Council's online weekly Workers Online, and helped generate wide interest in the dispute. Rowan's reports did not comprehensively detail the legal and strategic manoeuvres such a dispute involves, but concentrated on the line and the workers. The reports, and their date of publication, follow.
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5 May: Union spirit reinforced.

The Australian operation of Joy Mining Machinery (Joy) is headquartered on the outskirts of the semi-rural town of Moss Vale in the Southern Highlands of New South Wales (NSW). It is a pleasant industrial area, surrounded by mature pines, deciduous trees colouring in Autumn hues, and bordered by brick veneer housing, the Sydney-Melbourne train line, and rural pasture land.

Joy produces mining equipment and has 377 full-time employees in Australia, with branches in Northern NSW and Queensland. Since 1994 it has been part of the US-based multinational Harnischfeger Industries Incorporated.

Harnischfeger is in economic straits, due to poor boardroom decisions and bad luck. It currently operates under Chapter 11 bankruptcy protection. This section of the US Bankruptcy Code allows a debtor to continue operations so long as it reorganises, restructures, and cuts operating costs.

Since 1998 the company has been involved in what it terms “aggressive” and permanent global downsizing, cost cutting, and “headcount reduction”; in August last year it announced it would shed 3100 workers—20 per cent of its work force. Helping bankroll the meaner, leaner multinational is a $750 million Chase Manhattan loan.

Outside the Moss Vale engineering works there is a five-week-old picket line: angry workers exercise considerable restraint;
there are trade union slogans on makeshift signs and banners, union flags, and two clusters of tents complete with kitchen, toilet, and sleeping facilities.

Trouble began at Joy last year. New management came in; there were redundancies without prior warning and high profile unionists with Enterprise Bargaining Agreement (EBA) negotiating skills were part of the non-voluntary cull. Negotiations for a new EBA began in September, and ran into trouble, with rolling stoppages in January. In early February the company tried for the negotiation of four agreements in place of one, a move unionists saw as an attempt to erode worker unity and bargaining power. So far as unionists were concerned, the Joy style throughout seemed intent on closing unions out of negotiations.

Hostilities increased when the company threatened workers with either lockout or company closure in lieu of settlement. The picket line formed in late March when the company began to transfer unfinished jobs off site.

Rejecting union demands that it abandon the four separate agreements strategy, Joy responded by registered mail, sending workers lockout notification for three months beginning 14 April 2000, an action legitimised by the 1996 Workplace Relations Act. When the line held, management secured Supreme Court injunctions against the unionists, members of the Australian Manufacturing Workers’ Union (AMWU), the Australian Workers’ Union (AWU), and the Communications, Electrical and Plumbing Union (CEPU), preventing them from blockading the site.

The 73 workers involved are a mixture of young and old men, the majority of them locals, many with dependent families; some have been with the company for decades, before it became a multinational plaything; others are relatively new, some with experience in rural companies where economically troubled managements have tried to walk out on paying entitlements. Emotionally and financially the dispute has hit them all hard. They are now surviving on anorexic budgets, personal savings, the contributions of family and friends, family allowance payments, and credit.

In spite of this the mood on the line is buoyant. Families visit whenever possible; union organisers are present. There is wide community support with local businesses donating supplies; others who turn their backs on pre-lockout “good customers” are outed on encampment signs. There has been significant financial and moral support from the wider union movement, and a strike fund is being established.
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Following the picket line injunction, volunteers with trade union principles came forward to fill the breach, calling themselves “Concerned Citizens”. On Thursday 27 April these, including university students who had made the trek from Wollongong, bore the brunt of heavy handed police rough house when 16 uniformed officers and 8 police vehicles arrived to help a truck enter and leave the Joy works. Plain clothes personnel were also present, handcuffs obvious in their jeans. The orchestrated escort and the accompanying police violence in clearing the picket reflected the involvement of city based police, the local constabulary having been cooperative with the workers.

Management has treated its locked out employees in a manner many feel is intimidating. There is a new high security presence around the work site; picketers have been videotaped by management; company legal advisers have been conspicuously visible.

Amongst the workers there is growing concern that the lockout may have little to do with enterprise bargaining. They believe Joy management is intent on further downsizing and restructuring, given the depressed state of the Southern Mining District with its pit closures and cut backs, and the American parent company’s financial problems and aggressive global downsizing. The real agenda, the workers believe, is the break up of the Moss Vale operation, the shedding of the locked-out workforce, and the cut down of entitlements. Since the injunction, the regular movement of police escorted trucks hauling workshop equipment from the site has fuelled this belief.

Joy continues to operate, albeit in a greatly reduced capacity. Supervisory, office, and management personnel function in capacities far beyond their original job descriptions.

It is night as I write. A passing freight train on the main southern line adjacent to the picket encampment sounds its horn in solidarity, as they all tend to do; the long blast reverberates through the cold Autumn night. The heartening fire in the 44-gallon drum that serves as heater and communal centre is fed a few logs; the dishes from dinner are cleaned and put away in the kitchen tent.

Cows call in the distance. Mist rises from nearby wetlands and drifts across the paddocks. The night rostered picketers variously prepare to bed down; they think of family warmth, providing for loved ones, no income, and the uncertain future. But they also think of the struggle; for these are unionists, and much is at stake. Whatever else the Joy management set out to do, it has ironically reinforced the union spirit in these rural backblocks.
12 May: The dispute widens

Furtive moves by the company last week, including late night truck movements, transferred the Joy hydraulic section to Wollongong premises. A small group of men, including some who are non-unionists or unfinancial members, have signed a separate agreement with the company. According to those who have not crossed the line, they are scabs; the local *Southern Highlands News* is running an anti-union line, and praises them as “Defiant Workers”.

Once the secret destination was located, a picket line was established. Twice during this week police were required to remove picketers who were preventing the breakaway workers from entering the relocated workshop. On Thursday, about 100 supporters protested the operation of the workshop.

Tensions were fuelled by provocative local and regional media reporting of the dispute. A spokesman for the breakaway workers was reportedly fulsome in praise of the Joy company, and expressed anti-union sentiments.

It is understood the company is seeking an extension of its Supreme Court injunction to cover both the Moss Vale and Wollongong sites, as well as other union players along with the already restrained AMWU, the AWU, and the CEPU. Talks between Joy and the AMWU stalemated during the week when the company showed no sign of backing away from the contentious issues at the heart of the dispute: the introduction of contract labour, flexibility of hours, and four separate agreements in place of one collective agreement.

Meanwhile back on the Highlands, with an early hint of snow in the air, the remaining 63 locked-out workers have settled in for the duration. Two site-sheds have been added to the tent encampments outside the Joy worksite, giving the picket line an air of permanency and providing significant comforts for those who have manned it non-stop for seven weeks.

19 May: International support, escalation, and an insidious letter

Workers employed by South African branches of Joy have rallied to the cause of the locked-out Moss Vale Joy workers. The National Union of Metalworkers of South Africa is seeking discussions with Joy senior management in South Africa with a view to helping ensure “the dispute is satisfactorily resolved”. This indication of international support came as the Joy dispute continued to escalate.
Illawarra Unity

In what has become a daily routine during the last fortnight, police removed picket line supporters hindering the operation of a relocated Joy workshop in Wollongong manned by nine breakaway workers. By Tuesday this line had swelled to 200-strong, and police reinforcements were called in to forcibly break it up.

On Thursday another Wollongong workshop doing Joy work was discovered, allegedly employing retirees at $6 per hour. This site was occupied by 150 protesters until the arrival of police. No arrests were made. Joy management responded to the escalation by successfully extending injunctions restraining the activities of the three key unions involved, and adding South Coast Labor Council (SCLC) secretary Arthur Rorris to the list.

There were sabre rattling media reports during the week with a Joy spokesman alleging contempt of court orders by unions, and seeking massive damages claims. Company video surveillance teams have been conspicuous around the pickets.

Back on the Highlands, some 70 kilometres away, the locked-out Joy workers continue to maintain the original picket, union pressure having thwarted company attempts to remove encampment site-sheds. Overnight temperatures are approaching zero degrees.

In other developments Joy management has approached workers individually by phone, seeking what the picketers contemptuously describe as scabs. At the same time an anonymous, insidious, sophisticated letter is circulating amongst the wives of the workers, seeking to enlist them to the company's cause. Contempt for the company is increasing.

As I write, Joy workers are preparing to confront the architect of their woes, Federal Minister for Employment, Workplace Relations and Small Business, Peter Reith. Author of the industrial laws Joy has used against its workforce, Reith is soon due in the neighbouring town of Bowral to address a business conference on industrial relations. A warm reception is planned.

26 May: “Back Door” Pete drops in

Workplace Relations Minister Peter Reith opted for a back door entrance when he addressed a business conference in Bowral last week. Outside the Grand Mercure Hotel venue about 200 angry unionists and supporters gathered, including Joy Mining workers locked out of their nearby workplace for three months thanks to Mr. Reith’s vision of Industrial Relations (IR).

Twenty police, including the local Area Commander, were on hand to shepherd the Minister through the back door when he
refused to front the gathering. As one observer wryly commented, the last eight weeks of the Joy dispute have brought more police to the Highlands than at any time since the infamous Belanglo Forest serial killings.

The focus of the rally was Reith’s Workplace Relations Bill 2000, recently introduced into Parliament, which aims at reducing the bargaining power of unions by outlawing common wage claims across an industry. For many of those present the locked out Joy workers symbolised the experience awaiting all Australian workers in the Brave New IR World of Reith.

ACTU President Sharan Burrow was one of a number of high profile labour movement people who addressed the rally. Ms Burrow accused Reith of encouraging employers to be increasingly militant. ‘This is not a Minister for Industrial Relations. This is a Minister who so passionately hates unions and working men and women that he’ll do anything to deny you fundamental union rights’, Ms Burrow told the rally. ‘Under Reith’s laws workers are locked out indefinitely with no obligation to bargain in good faith. They have their hands tied behind their backs and the only thing they’re supposed to do is capitulate. This Minister stands against everything Australia is about’.

2 June: Paternalism and intimidation

Reithian tactics continue to characterise the bitter Joy Manufacturing dispute.

On May 25 a paternalistic and intimidating letter from Joy management was sent to each locked-out worker, disparaging union efforts to resolve the dispute. It was all very nineteenth century and Master and Servantish. Accusing unions of organising “certain disruptions”, the Company reminded workers of the individual penalties they face should they defy current Supreme Court injunctions, and hinted the lockout might continue past the original three months. It was then suggested workers might like to talk matters over with management individually, apparently without union representation.

A couple of days later correspondence between the Company’s legal team, the union-busting firm of Middletons Moore & Bevins, and solicitors representing the three unions involved in the dispute, entered the industrial arena. Joy’s solicitors began by endeavouring to allay worker concern that the Company may be in economic straits and unable to fund accrued employee entitlements. The letter then generally suggested voluntary redundancies as a possible way forward; no numbers were mentioned, an implication being the unions seek expressions of
interest amongst the locked-out workers. If volunteers came forward, the letter explained, then the Company could “reconsider its current operating structure”.

On Tuesday May 30 a meeting took place at the main picket cum lockout encampment, outside the Moss Vale worksite, between the workers and union officials. This meeting rejected talk of redundancies along these lines, regarding it as divisive. So far as the workers are concerned, if some form of radical restructuring is on the agenda, which many suspect is the case, then everything has to be negotiable and on the table.

For the present, and with the feeling that maybe not all the cards are on the table, the main issue for the workers remains what it was at the beginning of the dispute; the continuation of a single EBA for all Joy workers as opposed to the Company’s proposed four separate agreements. The meeting authorised the unions to take the matter back to Company management or its legal team, depending on who is realistic and sensible enough to deal with the union movement.

Meanwhile the locked out picket line remains in place, in spite of the onset of winter with its zero overnight temperatures, strong winds, rain, sleet, and light falls of snow.

9 June: Students in the firing line

Joy lawyers have targeted university students in a desperate bid to contain protest and opposition. On Saturday a NSW Supreme Court subpoena was served on the President of the Wollongong University Student Representative Council (SRC) seeking SRC records pertaining to the Joy dispute, including mobile phone records and the names and addresses of all SRC officers.

It is believed the Company is disturbed by the extent of public support for the locked-out Moss Vale Joy workers. Of particular concern are the protests and acts of civil disobedience that have taken place at Wollongong worksites allegedly carrying out work usually done by these workers.

All anti-Joy protests are videotaped and photographed by Joy operatives. Attempts have been made to subpoena the films and records of locked-out workers in an effort to prevent solidarity actions.

While students have been amongst anti-Joy protesters, it will be up to legal processes to determine whether they have participated as part of an organisation or simply as citizens exercising what they believe are democratic rights. In what can only be seen as a bizarre ‘fishing expedition’, Joy apparently hopes the subpoena will lead to an injunction against the SRC, and the
future absence of all Wollongong University students from anti-Joy activities.

The cast of individuals and organisations the Joy Company has restrained, or is seeking to restrain, from supporting the locked-out workers is threatening to become bigger than Ben Hur. As one commentator wryly put it, soon Joy will have injunctions out against the whole Wollongong and Highlands telephone directories.

A source close to the Company has claimed that Joy management expected the locked out workers to cave in after a couple of weeks of being locked-out. With workers’ families and dependents in a sort of hostage relationship with the Company, the workers would be forced to yield to Company demands. But that did not happen and as the dispute widened, so too did public attention and interest.

What started out on the semi-rural backblocks of Moss Vale is now gaining national attention. This has led to an element of frustration in Joy’s tactical thinking.

The Saturday subpoena visit to the student leader follows another Wollongong protest against the Company. Like all previous protests this attracted a great deal of media interest.

Last Friday about 60 people rallied outside the Joy subsidiary Cram Australia, in Unanderra, yet another site believed to be carrying out work usually done by the locked-out Moss Vale workers. Federal Opposition industrial relations spokesman Arch Bevis addressed the rally. He said the first priority of a Labor Government would be to get rid of Peter Reith’s unfair laws and restore workers’ rights:

“We will ensure the Industrial Relations Commission has the authority to deal with matters when they get out of hand and we will make sure that parties negotiate so there will be no more lock-outs like this”.

23 June: Subpoenas and confetti

When the nine-year-old son of CFMEU construction division secretary Andrew Ferguson recently responded to a Saturday door knock, it was neither a friend nor a Jehovah’s Witness. Instead an agent of Joy Manufacturing stood on the threshold, attempting to serve a personal damages claim on Ferguson: $700,000 for conspiracy to cause economic damage. Ferguson was away at the ALP State Conference, so the agent tried to bully the child into taking the document, until the intervention of his mother.

The claim arises from Ferguson’s alleged involvement in the
pickets, protests and solidarity actions that have been part of the long running and bitter Joy dispute. Apparently he was seen playing cricket at the Moss Vale picket line, and enjoying a sausage sandwich; he may also have kicked a soccer ball that rolled into Joy property. There are no CFMEU members involved in the lockout.

That same week Joy issued a claim for unspecified damages against SCLC secretary Arthur Rorris. This claim involves 13 charges and possibly exceeds $1 million. Subpoenas and claims against union officials and rank and file members are being thrown around by Joy like confetti. A Company spokesman has confirmed “dozens” have been issued, while speculation places the eventual number closer to 250. The damages claims, and the crass treatment of the child by what amounts to an operative of a multinational—since Joy is a subsidiary of the American holding company Harnischfeger Industries Inc.—have intensified the bitterness of the dispute.

Not everything is going Joy’s way. The three unions involved have commenced Federal Court proceedings challenging the legality of the lockout. The union case is arguable and novel. During the initial hearing the judge was moved to point out that it is not the case that different rules apply for employers than apply for unions, and that neither party is above the law. The matter returns to Court on 31 July.

Concerns by the AMWU regarding heavy handed police conduct in clearing a picket outside Joy’s Moss Vale worksite in April are being investigated by the Ombudsman.

Meanwhile some observers are increasingly curious. Despite union pressure, Joy maintains a reluctance to place cash in a trust fund and ease worker concern about accrued entitlements, one of the issues that has arisen during the dispute. The Company maintains that such entitlements are not at risk, and claims an entitlement trust fund would place it at a commercial disadvantage.

However money seems readily available for Joy to employ contractors, a specially hired security team, high powered lawyers with more legal tricks than you can poke a stick at, and a vast array of logistical support. Which leaves many wondering if Joy has access to some mysterious bottomless financial pit, and whether there are other agendas at work here that go beyond the resolution of a local industrial dispute.

30 June: International solidarity grows

Joy workers are still locked out as meetings with the Company
go nowhere. “We have met with the Company and their legal team on a number of occasions but it’s just been a waste of time. They don’t want to talk about the issues”, said AMWU organiser Alan Ward.

Part of the Company’s negotiating problem is evident in correspondence it has sent to the locked-out workers. In the Joy view of industrial relations, unions and their officials have apparently little to do with workers. There is no umbilical link or structural connection. Hence Joy’s consistent invitation to workers to negotiate with management without union representation. As one locked-out worker put it to me, angrily gesturing towards Joy’s headquarters, “Those bastards in there don’t get it; we are the union”.

Other people have no trouble understanding unionism and solidarity. Many thousands of dollars have been donated to help Joy workers in their long running dispute. Large sums were raised at the anti–3rd wave rally, the ALP State Conference, and the ACTU National Congress. As far afield as Las Vegas, Light Heavyweight boxer Justin Clements, a scaffolder by trade, donated his recent purse of $5000 after hearing of the plight of the Joy workers.

Internationally the treatment of the Moss Vale workers is generating concern. In South Africa, workers employed by Joy have met with company representatives protesting against the treatment of their Moss Vale brothers. From Geneva the International Metalworkers’ Federation has communicated directly with the American Harnischfeger chairman foreshadowing the “launch of an international campaign against Joy Manufacturing” should the Moss Vale dispute not be satisfactorily resolved.

The United Steelworkers of America has also communicated with Harnischfeger, protesting against Joy’s actions in Moss Vale. As the steelworkers point out, “it would seem that at a time when Harnischfeger Industries is in bankruptcy it would be trying to resolve problems, not perpetuate them”.

**7 July: Master and Servant**

An attempt by Joy to end the lockout ten days ahead of schedule failed miserably this week.

In a letter to locked out employees the company explained the lockout was formally over. Negotiations on matters in dispute would follow a return to work. However if no resolution were reached after a month, then a new lockout would commence on
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29 July and run through to September 4. To emphasise the point Joy included with their letter official notification of the proposed lockout sanctioned by Reith’s Workplace Relations Act.

Workers were told to begin work at 7a.m. July 4 or face the sack. The letter went on to explain that if the company believed workers were “not negotiating in good faith,” the lockout would take effect immediately.

Any worker the company construed as engaging in the intimidation or harassment of Joy scabs or contractors would also face the sack. Unconfirmed reports suggest Joy intended to monitor worker behaviour with a special workshop security team.

The workers were affronted by the paternalism of the return to work notification, the Master and Servant sentiments expressed, the threats, and the lack of detail regarding negotiations. At a meeting on Monday July 3, Joy workers rejected the company’s return to work offer and formally withdrew their labour for a month, describing the letter as “industrial blackmail”. They also made clear to the company that genuine negotiations could take place at any time through union delegates and officials.

A problem in this dispute has been the perception that the company is reluctant to negotiate with the unions involved, seeking direct negotiations with workers instead.

Commenting on the latest events AMWU state secretary Paul Bastian said: "As part of its plans to Americanise industrial relations, Joy is asking workers to return to work with their hands tied behind their backs”. “That’s no basis for a return to work”.

14 July: Chase Manhattan and the Nazis

Striking Joy workers sat in the boardroom of the Sydney office of the Chase Manhattan bank last Friday seeking some answers. The five man deputation wanted to question bank officials about the $750 million the big US bank has lent Joy’s American economically troubled parent company Harnischfeger Industries Inc. The deputation was parked in the boardroom until higher authorities were apparently consulted.

Harnischfeger Inc. currently operates under Chapter 11 bankruptcy protection. This section of the US Bankruptcy Code allows a debtor to continue operations so long as it reorganises, restructures, and cuts operating costs. Since 1998 the company has been involved in what it terms “aggressive” and permanent global downsizing, cost cutting, and “headcount reduction”.

According to Moss Vale worker logic, because Harnischfeger is globally restructuring, cutting costs and jobs, and Chase Manhattan is bankrolling the company, then the bank has a
defacto relationship with what is happening in Moss Vale. Sydney representatives of the huge US bank were not amused, and the workers left when asked to do so.

Back at the Moss Vale picket encampment, plans were being made for a “Solidarity and Support” tour. This is now under way. Representatives of the locked-out workers/strikers are touring worksites nationally, explaining the Moss Vale dispute and what happens when management takes full advantage of the Workplace Relations Act.

Chase Manhattan meanwhile, has other problems. A few days after the Moss Vale worker visit, declassified US Treasury documents released in New York allegedly showed the banking giant had helped funnel German assets back to the Nazis from France after the US went to war against Germany during World War 2. The bank is currently facing legal action by Holocaust survivors for the alleged wartime freezing of Jewish bank accounts.

21 July: Burns and scabs

Two workers at Joy’s Coniston depot (Wollongong) suffered burns last Friday when hot oil sprayed from a broken hydraulic ram. WorkCover was notified of the accident by the South Coast Labour Council, following the failure of Joy management to immediately notify authorities. The accident occurred almost two months after unions involved in the Joy dispute claimed conditions at the depot were dangerous. The Coniston depot is one of a number of small scab sites controversially carrying out work usually done by Joy’s locked-out workers.

Late last week Joy management announced the lockout would be extended until September 5. Delegations of locked-out workers are touring worksites nationally seeking financial support and explaining the ramifications of the dispute. As they see it, what is happening to them has national relevance. Increasingly they believe that in the rural isolation of Moss Vale, Peter Reith’s strategy of locking out workers, starving them into submission, and undermining unionism, is being tested. There has been a heartening response to the delegations so far, with strong pledges of support from Victorian unionists, while levies have been agreed to by workers in Wollongong, Newcastle, and the Hunter region.

4 August: A private eye, subterfuge, and memory loss

Acute memory loss seems to have selectively wiped the collective
memory of Workplace Relations Minister Peter Reith and his office. Questioned last week by the Sydney Morning Herald and The Australian about the Joy dispute, Reith and press secretary Ian Hanke pleaded ignorance. “I don’t know anything about this”, Hanke told The Australian. Journalists were exploring claims that the US-owned Joy company was engaging in union bashing with the tacit approval and backing of the Howard government.

The denial was strange. On Friday May 19 Reith commented on the dispute to the Illawarra Mercury when he came face to face with 200 protesting Joy workers and supporters in the Southern Highlands town of Bowral. Regional television later showed 20 police shepherding a grim faced Reith through the back door of the Grand Mercure Hotel, Bowral, where he was scheduled to address an industrial relations conference.

In a successful bid to keep the media interested in the Joy dispute, locked-out workers and supporters again visited Chase Manhattan Bank. About 200 people rallied outside the bank’s Sydney head office last Friday (July 28). A delegation led by AMWU assistant state secretary John Parkin tried to enter the building to discuss the bank’s relationship with the Joy dispute, but was refused entry by police. A BBQ was set up outside the premises and those present listened to speeches and enjoyed a sausage sizzle.

Taking photographs of proceedings was a young member of Joy’s union-busting law firm, posing as a photographer for the Sydney University student newspaper Honi Soit. This subterfuge recalls the presence at the Moss Vale picket line earlier this year of a private detective who passed himself off as a Cumberland Press journalist, until his cover was blown by SCLC secretary Arthur Rorris. When recently interviewed by The Australian (July 29–30), the investigator confirmed he had been hired to find out who was organising “illegal” pickets, but was silent on who had hired him.

Back on the industrial front, it seemed a breakthrough was in sight last Friday when the dispute returned to the Australian Industrial Relations Commission (AIRC), and Mr. Justice Munro made recommendations for an end to the lock-out, including conciliation and arbitration once there was a return to work. On the basis of this the company terminated the latest lockout on Tuesday, August 1 and planned for the resumption of work on Monday, August 7.

Joy and the unions met on Thursday (August 3) to discuss a return to work, but four and a half hours of discussions showed the parties were still miles apart, and no concrete commitments
were agreed to. The following day a mass meeting of Joy workers at the Moss Vale RSL voted against any return to work, regarding the talks as a disappointment. Parties report back to the Commission next week, and further meetings between Joy and the unions are scheduled.

Meanwhile SCLC secretary Arthur Rorris has welcomed news that former NSW Attorney-General Jeff Shaw will help defend him against the huge damages claims issued by Joy alleging breaches of the Crimes and Summary Offences Acts.

18 August: Baseball bats and tinsel

Bellicose American style industrial relations continue to characterise the dispute.

Meetings and compulsory AIRC conferences between the company and unions during the last fortnight have been fruitless. Joy strategists seem intent on shepherding the dispute to arbitration, and the parties remain miles apart with about twenty issues in contention.

Concurrent with discussions Joy pressed ahead with union bashing tactics. It sought, and gained, a certificate for 166A proceedings against the three unions involved in the dispute, officials, and workers at the Moss Vale plant. The way is now clear for the company to pursue common law claims against those unions and people its various private investigators, video cameras, and informants have identified as allegedly damaging business.

Joy workers have rejected any return to work and refuse to be intimidated. Quite simply, they have been hardened by the dispute; they have been out in the cold for much of the year, and no longer respect or trust their “employer”. Any fear has been replaced by wry contempt for what they regard as an American “baseball bat” approach to industrial relations.

I got an insight into the mood on the picket line one afternoon last week. One of the workers was looking across the road at a 20 metre high pine tree; casually, and with sense of bitter humour, he remarked, “We should start getting tinsel for that tree”. A young father, thinking of Christmas on the picket line.

1 September: Spring is in the air?

Spring is here, but a bitter wind blows off the Alps and overnight temperatures on the picket line hover around zero degrees.

During the week senior union, ACTU, and Joy representatives met in Sydney for talks aimed at resolving the dispute. ACTU
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involvement came following a recent request from the unions. The outcome of the talks is not yet known and officials will report back to workers next Tuesday.

Talks or no talks, for Joy it is business as usual, and legal harassment continues; there are five separate court actions in place. Not only has the company taken preliminary steps necessary to pursue damages claims against unions and individuals, but has also moved to terminate the current bargaining agreement.

In spite of all pressures the workers remain firm in their campaign for wage justice and a unionised workplace. The regional Illawarra Mercury newspaper recently devoted two pages to the impact of the dispute on the families of the workers. This coverage was sympathetic and dignified, personalising the dispute to the detriment of Joy management.

Recent visitors to the Moss Vale picket line include American union activist Margaret Trowe, Socialist Workers’ Party candidate for the American vice-presidency; her solidarity visit was appreciated by those on the line. As Margaret commented, there are many similar picket line scenes in America.

This weekend representatives of the South Coast Labour Council and officials of the unions involved in the dispute will take over the Moss Vale picket line for three days as a fraternal gesture, honouring the embattled Joy workers and giving them a well deserved and welcome break.

8 September: Multi-national stymies peace talks

The dispute is set to continue with workers voting on Tuesday to continue strike action until October 9. This decision follows the breakdown of resolution talks between the unions, the ACTU, and Joy representatives last week. According to union sources the talks were making headway until they were stymied by the intervention of Joy’s multi-national American owners Harnischfeger Industries Inc.

Meanwhile in South Africa where Harnischfeger/Joy has significant interests, the annual conference of the National Union of Metalworkers of South Africa (NUMSA) recently passed a resolution of solidarity with the Moss Vale workers. NUMSA is seeking to increase international pressure on the American multi-national; this could see the International Metalworkers’ Federation (Geneva) acting on its June 26 threat to launch an international campaign against Joy.

There is a bitter irony in all of this. For years attempts have been made by a succession of Joy managements to convince
Moss Vale workers that Joy is essentially an independent Australian outfit, with the Moss Vale operation part of the local community. The current dispute has exposed the lie and been a steep learning curve for many on the picket line about the realities of life in the deregulated world of turbo-capitalism.

This learning curve and the sense of betrayal that goes with it, is yet another element fuelling the firm resolve of the Moss Vale picket line.

6 October: “In Your Face” Provocateurs?

As Alice might have observed, the long-running Joy Mining Machinery dispute gets “curiouser and curiouser”.

While talks, discussions, and hearings between the three unions involved, the ACTU, the AIRC, and Joy have variously taken place during the last fortnight in an attempt to resolve the dispute, the presence of “imported” scabs at the Moss Vale factory is raising more than a few eyebrows. The scabs, or contractors in management parlance, first appeared and crossed the six-month old picket line early in the morning of September 7. Since then the eleven, maybe fourteen, people involved, mostly driving interstate cars, have been factory regulars, coming and going at all hours.

Factory security and surveillance have intensified. Trees and shrubs have either been removed or savagely pruned, allegedly to facilitate photographic documentation of picket line activity. Perimeter floodlighting has been strategically installed.

The picket line is the subject of Supreme Court injunctions

In the besieged factory, the contractors don’t seem to be doing much in the way of industrial work. Some have reportedly acted towards the picketing workers in an “in your face” intimidating manner, as though trying to provoke violence.

It is probably coincidental, but soon after the arrival of the contractors in the semi-rural community an anonymous and isolated case of property damage occurred targeting a member of Joy’s non-striking supervisory staff. A vain attempt was made in the AIRC to use this act of “intimidation” against the striking workers.

Following what seems to be division within the ranks of the contractors, unconfirmed reports allege the scab team is led by a strike breaking veteran with experience in the Mudginberri, Burnie Pulp and Paper Mill, and Patrick disputes. The scabs
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have been sighted at an upmarket local eatery cum lodge type motel, and there are reports of very large weekly retainers.

13 October: King Scab burns rubber

It was an eventful week on the Joy Mining Machinery picket line. On Sunday Opposition Leader Kim Beazley took time off from an ALP fund raising function to visit the Moss Vale workers who have been on the line for six-months since the breakdown of enterprise bargaining processes. Also on hand helping boost picket line morale were Senator John Faulkner, former ACTU President Jennie George, and AMWU National Secretary Doug Cameron.

On Wednesday a marathon session in the AIRC moved the disputing parties close to resolution. A meeting of the 60 workers involved will hear a progress report today (Friday) from their unions. While there are some outstanding matters requiring arbitration, it is understood the company has agreed to drop huge damages claims against prominent unionists, and, providing scabs introduced during the dispute are removed, there will be a return to work beginning October 23.

After six bitter industrial months, and a very cold winter, life on the picket line has been getting tedious. To bring some relief, a vegetable patch was recently planted at the side of the picket encampment; it is thriving. Then on Tuesday there was some unexpected comic relief.

For over a month Tasmanian based union-buster Bruce Studley Townsend has been at the Moss Vale factory with a team of interstate scabs. His presence aggravated the dispute, moving the unions and the company further apart. Townsend has a long history of anti-union activity, and is a veteran of the Mudginberri, Burnie Pulp and Paper Mill, and Patrick disputes. He supplies non-union labour, has a record of infiltrating union meetings and picket lines, and is proud of his surveillance skills. Video-surveillance is a speciality, and this technique has been much used by his Moss Vale team. Most of all Bruce is tough. He has a scorpion tattooed on his left arm. At Moss Vale the man who calls himself Bruce Townsend is known to the picketing workers as King Scab.

Tuesday was not his day. On his way to work he inexplicably stopped his late model Fairlane, with its black tinted windows, about 50 metres from the picket line, and in the middle of the road. The men on the line looked up, and yawned; King Scab was about to make yet another ostentatious run through the Supreme Court restrained line.
It had been like this for a month. Scab in, scab out; like yoyos looking for trouble. Monotonous. The car idled in the middle of the road for a while. Then the engine gunned, and King Scab was off in reverse in a cloud of burning rubber. Some 50 or so metres later King Scab apparently decided to show the unionist yokels a thing or two. How about a controlled handbrake u-turn, so he could keep going away from the line, but in forward gear, and without loss of momentum?

But this was not Webb Dock. It was a country road. And King Scab lost it. The Fairlane whipped off the road, into the gravel, skidded about 5 metres, and thumped into an embankment, whacking the wire guy of a power pole in the process. The exhaust pipes burned deeply into embankment clay.

Picketing workers hotfooted it to the accident scene and found their nemesis examining his damaged vehicle. King Scab really had the shits when a picket pursuit-ute and amateur video crew arrived on the scene. Hurriedly getting back behind the wheel of the wounded Fairlane, he fled at high speed towards town, ignoring level-crossing caution and stop signs, and sought the sanctuary of an auto-repairer.

Returning to the picket line, the workers got to thinking. Entrepreneurs one and all, they came up with a business possibility. It did not take long to erect prominent signs facing the besieged factory, advertising the picket site-sheds as unregistered offices of a new Driver Training School; with a special on Advanced Driver classes.

20 October: Joyful Tidings

The bitter Joy Mining Machinery dispute in Moss Vale is over. The picket line has been dismantled.

After seven-months of lengthy lockouts and strikes, workers voted last week for a return to work beginning Monday, October 23. Their decision followed a tense and frustrating month of on-and-off talks variously involving the unions involved, the Joy company, and the ACTU, and Australian Industrial Relations Commission hearings.

Then on Monday this week Justice Paul Munro handed down his arbitrated decision on pay in the AIRC, awarding the 63 workers involved in the dispute a 12 per cent rise over the next three years, with no productivity trade offs. This was in contrast to the Joy offer of 5 per cent over 24 months rejected by unions in March. As part of the return to work settlement, all legal cases pending against unions and union officials will be dropped by Joy, and scabs will leave the worksite.
Significantly, one workplace agreement will cover the workers instead of the company’s preferred strategy of four separate agreements with four separate expiry dates and wage outcomes. This was one of the major points originally in dispute. The four-agreement strategy was perceived by Joy unionists as part of an agenda to deunionise their workplace.

The workers seem happy with, and relieved by, the settlement, although there are concerns about their long-term security. According to AMWU organiser Alan Ward, the outcome is “an excellent victory for workers”.

Joy remains a unionised workplace. The conduct of workers during the dispute demonstrates the capacity of unionists to organise locally and rollback the blackness of the soul enshrined in the industrial legislation of Peter “Phone-calls” Reith.

This victory did not happen in isolation. The Moss Vale workers and their unions worked hard to develop moral, political, and financial support locally, nationally, and internationally.

It was no easy victory. A small semi-rural community was scarred by the dispute. The workers involved were without incomes for most of the year, surviving on anorexic budgets, personal savings, the contributions of families and friends, family allowance payments where applicable, and Strike Fund payments. Their families and relationships were placed under stress, and there was considerable mental anguish. It will take great skill and effort by all concerned to heal wounds, and to enable the name of Joy to be associated with something approximating its dictionary meaning.

27 October: Return to work and Festering Joy

Scottish pipers and 200 well wishers and family members were on hand in Moss Vale on Monday as 63 Joy Mining Machinery workers began their return to work.

It was a cool Spring morning. The air was alive with union flags, and the joy of applause. An emotional occasion. Before the workers walked through the factory gates to the skirl of pipes, they were addressed by union officials. AMWU state secretary Paul Bastian, AMWU organiser Alan Ward, and South Coast Labour Council secretary Arthur Rorris congratulated the men on their unity and resolve through almost seven months of strikes and lockouts.

Beyond the celebration, however, were undercurrents of unease. Despite having won a 12 per cent pay rise over three years, a single workplace agreement, and maintaining a unionised workplace, workers remain concerned about their long-term
security. By Wednesday rumours were circulating in the close knit semi-rural community about looming redundancies at Joy, although no approaches have been made to the unions concerned.

But it took less than an hour back at work on Monday for the company to show its colours, ending the long accepted 10-minute paid morning tea break. According to the AMWU this sort of action is inflammatory and takes matters back to the Australian Industrial Relations Commission. Creative interpretations of the back-to-work agreement by Joy management cannot be ruled out.

While wise heads prevail on the workshop floor, Joy workers are in no frame of mind to play games or be further insulted and pushed around. Each man is hugely out of pocket because of the dispute, and the company’s decision to employ a nasty bunch of scab provocateurs during the last four weeks of the dispute was the final and disgusting straw.

Obviously it is too early to close the watching brief on Joy. This looks like being a festering dispute that simply won’t go away.

3 November: Scab Joy Ride

When Joy Mining Machinery workers returned to work last week after almost seven months of lockouts and strikes, they found their Moss Vale worksite trashed. The damage had apparently been done by departing scabs, recruited interstate six weeks previously by a scab recruitment agency. Their departure was part of the back-to-work settlement.

Power tools had been tampered with. It is understood one incident involving industrial sabotage came close to injuring an apprentice. All equipment will now have to undergo occupational health and safety checks at Joy’s expense. Personal lockers had been gone through, and items removed, including personal papers. Work clothes and boots were trashed, and the company will have to replace these. Anti-worker signs decorated walls and lockers. A workshop computer holding a special program used in the maintenance and repair of mining equipment, and representing years of work, was inoperable. More company expense.

The previous week when striking Joy workers met at the local RSL Club to wind up their industrial action, scabs in a clearly marked Joy company vehicle attempted to verbally harass them. Most of the workers were in the meeting, however, and the bulk of the obscene scab tirade fell on the ears of pensioners and
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retirees entering the Club for a special luncheon and bingo afternoon. This scab initiative did nothing to enhance Joy's local reputation.

It is understood Joy management has withheld final payments to the scabs to cover worksite damage. Damage done by the Joy scabs is similar to scab damage done to waterfront terminals during the bitter Patrick Stevedores dispute in 1998, where wharfie change rooms and facilities were trashed; tools and equipment were either sabotaged, or damaged by misuse; personal items were stolen from lockers.

Peter Reith's chaotic Workplace Relations Act has nourished the growth of adventurist and opportunist outfits specialising in the supply of scab labour and offering security expertise. No matter what their letterheads suggest, these parasitical outfits seem little more than havens for maladjusted individuals with low self-esteem, attracting former schoolyard bullies and anti-social fringe elements.

The Joy company is the latest victim to be taken for a ride.