

# Pickets being 'outsourced', lawyer says

## Union tactics

Mark Skulley

Employers have been warned to develop new strategies in industrial disputes to cope with a union tactic of "outsourcing" picket lines to community activists to avoid increasingly large fines under the federal government's toughened workplace laws.

Melbourne-based industrial relations barrister Stuart Wood has argued that unions have changed their historic pattern of allowing union officials to defy the laws and have used union members as "human shields" to deflect direct attacks upon the union itself.

Mr Wood has argued in two papers — one presented to the Australian Mines and Metals Association last week and another given to the Australian Industry Group last year — that unions had developed a "small target" strategy whereby "gains are to be won through the ballot box, not through action on the ground".

Mr Wood said increased enforcement by the Australian Building and Construction Commission and the Australian Competition and Consumer Commission had also led to unions seeking to protect their assets.

He cited rule changes last year by the Construction Forestry Mining and Energy Union as an attempt to "try and divorce the body corporate from the actions of its organisers and others", even though there was legal doubt on how it would work.

He said the ABCC's prosecution of 107 individual CFMEU members on the Perth-Mandurah railway project was an important case, while express-

**UNITED THEY STAND**  
The website organising third-party protesters

Union Solidarity Network

http://www.unionsolidarity.org/

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nothing to lose, everything to gain

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**Preston Motors Struggle Continues**  
Preston Motors  
1551 Sydney Rd  
Campbellfield  
(Melways: F7, map 7)

Another successful community assembly took place on Thurs morning (22 March) with around 70 workers from a range of unions attending.

Over 30 workers working in the spare parts stores section of Preston Motors began a strike on Tuesday, 13 March, over the company's continued refusal to negotiate a fair wage increase... more.

The Preston Motors Group has a range of dealerships throughout Melbourne.  
Preston Motors Group Dealerships

**Community Activist Planning and Training Day**  
Sat 24 March 2007  
10.00am - 4.00pm  
Meeting Room 1  
Trades Hall  
Car Lygon St & Victoria Pde, Carlton

Local Activists groups and unions are invited to this forum to build a strategic community activism plan to:

- take our IR issues to the Federal election
- overturn the Howard Government & their disgraceful workplace laws
- introduce and use strategic planning tools that will help us plan
- coordinate local activities

Let's pool our skills and our anger and go forward together!

**Get Involved**  
Add your name to our growing Email and SMS alert list.  
What is the Union Solidarity Network?  
Publish an article, dispute report or upcoming action.  
Find the nearest Solidarity Network branch near you.

**Western Suburbs**  
Yarra  
WESTERN AUSTRALIA  
Fremantle  
Kwinana / Rockingham  
Peel  
Network Events  
Next Meeting: Central  
Coordinating, WA  
March 6, MUA OF  
47 Ireland St  
Melb @ 6pm

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## KEY POINTS

- To avoid being fined, unions are allegedly making use of internet-based network Union Solidarity.
- It's also claimed they're using members as 'human shields' against prosecution.

he said "We're answerable to the members. I'm sure this guy [Mr Wood] is not. Clearly we're in a hostile legal environment and we take our own legal advice about the steps to protect the [union] assets and the members' bargaining power."

A Union Solidarity co-ordinator, Dave Kerin, said the group had been formed in response to the new workplace laws and was looking to set up networks in NSW and South Australia, in addition to existing operations in Victoria and WA.

Critics of Union Solidarity allege it has membership in common with far-left groups such as Socialist Alliance and that it gets direct funding from unions, but Mr Kerin argued that its supporters came from a broad political spectrum including church groups, and raised its own modest funding.

Mr Kerin claimed Prime Minister John Howard had made the pursuit of legitimate interests by unions illegal, "just as the Axis powers once did".

"We say, 'Well all right, if the laws are used in an undemocratic way against unions then the community will step up to plate,'" he said. "For us, if workers are denied their democratic space then we will turn the area outside the factory gates into a democratic space."

ing doubt that unions could continue "placing the members at risk".

This made the use of "friendly third parties" much more attractive, as occurred during the 1998 waterfront dispute and in Victoria and Western Australia over the past two years with an internet-based network called Union Solidarity.

Mr Wood said Union Solidarity had claimed industrial wins in a string of recent industrial disputes, including Finlay Engineering, Kemalex, Hawker de Haviland,

Toyota, Amcor plants and Heine-mann Electrical, in which he had been involved as an adviser on the employer or government side.

It was also now involved in a dispute at a Melbourne automotive group, Preston Motors, where the National Union of Workers was seeking higher pay and conditions for about 30 members.

"The strategy adopted in each of these disputes was more or less the same," Mr Wood wrote "Organise an unlawful picket, which stops

people and products getting in and out; rely upon well-known police reluctance to enforce the law and rely upon the difficulties and delay associated with an effective legal response to an unidentified and changing group of wrongdoers."

CFMEU national secretary John Sutton rejected any suggestion that unions were seeking to shelter behind their membership and said he knew little about the Union Solidarity group. "Unions are the members and the officials are elected by the members,"