Waning or just gone underground? Union power in public transport in Melbourne

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Abstract
Public transport unions are key actors in transport policy in Australian cities. Historically, dramatic industrial disputes made this role highly visible.

This paper uses a case study of union power in public transport in Melbourne since the mid-1990s to show that union power remains a significant, though now largely hidden, obstacle to modernisation of the design and delivery of public transport in Australian cities.

In Melbourne, public transport unions have a history of considerable power and influence. Since 1992, union power in public transport operations and policy might appear to have declined under the influence of neo-liberal reforms. However, union activity was responsible for a significant proportion of the train cancellations that brought the rail system to near-collapse in January 2009.

Through reporting of interviews with key protagonists and analysis of available public documents, this paper provides evidence that union power remains a strong influence on the operations of Melbourne’s public transport system and, in light of current power dynamics, provides an additional impediment to necessary reform of public transport service design and delivery.
Introduction

The architects of privatisation of urban public transport claimed, among other things, that the new private sector managers would achieve workplace efficiencies and so would provide better services for customers. New managers were expected to force a fundamental change in the nature of industrial relations. After nearly a decade of private sector involvement in Melbourne’s public transport operations, a significant shift has occurred in the form of industrial conflict. However, there is little evidence of big changes in the nature of work in the industry and even less sign of a quantum leap in the quality of services offered to the public.

The paper traces the history of industrial disputes in public transport in Melbourne, especially since the introduction of the franchises for the operation of public transport services in Victoria in 1999. Relationships between public transport unions, private employers and the government are crucial to understanding the reasons for the major disruptions to rail services that occurred during the summer of 2008/09.

The observed relationships between employers, employees and the government make sense in terms of the self-interest of each of the parties. In particular, the support of political actors for the continuation of the policies of public transport privatisation can be understood as an example of the process of ‘depoliticisation’ that is recognised in the international literature on modern governance.

The paper includes a brief discussion of the history of the involvement of public transport unions in the politics of transport reform since the 1970s. This history shows that the unions have been, at different times, both an impediment and a catalyst for policies that offered the potential to improve the quality of public transport services. Alliances between the unions and members of various social movements have successfully defended public transport services against proposed cutbacks and closures in the past.

The current nature of industrial relations suggests that it will be more difficult for similar alliances to be forged in the future and fundamental problems with the planning and coordination of Melbourne’s public transport system will be harder to address when opportunities for change next emerge.

Original material relating to the 2008/09 disruptions comes from interviews in May and June 2009 with key protagonists from Connex and from the RTBU and from analysis of available public documents and media reports. In addition to documents cited below, evidence used to support the account of industrial relations in Melbourne’s public transport sector in the period 1970-1992 comes from research interviews undertaken in 2005 and 2006.

The public transport unions: a force in Victorian politics for 90 years

Management of the railways was prominent in early Victorian politics, reflecting the place of the train as a principal engine of economic growth. The considerable political influence of the rail workforce prompted a short-lived move by a conservative state government in 1903 to reduce the electoral impact of the public sector workforce by coralling them into special electorates. Of the four such electorates created, two were solely for railway workers (Rickard, 2006; Wettenhall, 1961). Through the Great Depression, the power of the rail unions, together with that of workers on the waterfront and in the timber industry, was central to resistance to the efforts of governments and employers to cut jobs and reduce
wages and conditions for those that remained (Butler-Bowden, 1991). In the 1960s, tram union officials were at the centre of national resistance to penal provisions in industrial law (Turner, 1983).

By the 1970s, long years of industrial and political conflict had shaped the rail and tram unions and the public authorities that managed Victoria’s freight and passenger transport into a mutually reinforcing web of powerful institutions. However, growing competition from road-based transport was changing the face of the industry.

Road planners, and their supporters in the media and government, argued for drastic cutbacks and closures across the state (VTS, 1980). Railways management were not opposed to many of these changes. The rail unions provided the muscle for the public campaigns against this wholesale demolition of rail services and the issue dominated state politics in 1980 and 1981 with over 80,000 people signing petitions against the proposed cuts to suburban and country services.

At this time, there were eight or more unions representing workers in the freight and passenger transport industries. The largest of these, the Australian Railways Union (ARU), represented the majority of blue-collar rail workers with the exception of some of the trades in the workshops and the drivers, who were the elite of the industry. Some ARU leaders recognised that the standard repertoire of strikes and bans would be ineffective against the government and rail managers who were prepared to force line closures by gradually reducing services. Similar to the directions taken by progressives in the Builders Labourers Federation (Burgmann & Burgmann, 1998), the ARU, under the leadership of Jim Frazer, made links with parts of the emerging environment and social movements of the time, bringing in university-educated researchers and organisers. From this base, the transport unions developed alliances with middle-class public transport users, and the ARU adopted a new style of organising that enabled them to engage with the public to formulate popular plans to rebuild passenger and freight operations, and they used new tactics, such as ‘no fares’ days, to further build community support. These tactics were backed by traditional union force with extensive bans placed on valuable container freight trains.

Urban planners and others in various ministries and statutory authorities were also questioning of the need for the service cuts and the Premier, Rupert Hamer was relying on a ‘quality of life’ agenda to hold power. In this climate, the government backed away from the suburban service cuts.

Soon after the watershed election of the Cain ALP government in 1982, several ARU staff took policy development jobs in the new agencies set up under direct ministerial control to replace the statutory authorities that had previously managed freight and passenger transport in Victoria. But, as discussed elsewhere (Stone, 2008, 2009b), the old railway managers remained in powerful positions and, together with the unions, successfully resisted operational changes that might have led to increased patronage. The government resorted to cost cutting, and with four ministers in eight years, lost credibility as transport reformers. Where unions did support user-friendly changes to services, such as the proposal to eliminate reversing movements of trams in the busy CBD, the motivation was more about interlocking tram operations based in different depots in order to make job cuts harder to achieve than about finding ways to increase patronage.

Militant unionists, known in the labour movement as the ‘troglodytes’, gained strength in the ARU at the expense of the progressive faction that had had success in the 1981
campaigns. The earlier cooperative relationship between the government and the ARU was lost as the militants played their part in the intense factionalism that contributed to the eventual defeat of the government in 1992 (Cain, 1995; Considine & Costar, 1992).

Against this backdrop, it was clearly impossible for the government to reach a settlement with the unions on staff reductions that were a necessary part of modernisation of public transport operations. Poor advice from transport managers prevented the government from going beyond its early agenda of new rolling stock and small service extensions to embrace new models of service delivery being promoted by community organisations (for example, PTUA, 1991) and a series of ill-advised service changes fuelled community protests and aggravated existing conflicts inside the ALP. In contrast, a 1984 settlement between the unions and the government over job cuts in the WA rail freight industry, brokered by then Transport Minister Julian Grill, laid the ground for the renaissance of Perth’s suburban railways (Stone, 2009b).

The conflict between the ALP government and the unions came to a head in January 1990 when the public transport authority moved to replace tram conductors with a ‘scratch’ ticket bought from a newsagent. This plan was hugely unpopular with users and the wider public and actively opposed by the Tramways Union. The dispute escalated when drivers barricaded their trams along the full length of several central city streets, where they remained for nearly a month (Sparrow & Sparrow, 2004). Despite such drama, the government was able to broker a deal with union leaders that traded the conductors’ jobs for pay rises for drivers, but for the Liberals, elected in a landslide in 1992, images of long lines of stranded trams became a potent symbol of union intransigence and the ALP incompetence.

**Corporatisation and privatisation: a blow to union power?**

Public transport operations were in disarray following the industrial conflict in the last years of the ALP Government, and the Liberals, with a huge parliamentary majority, were ready to proceed with the workforce cuts that had defeated the ALP. The new Minister for Transport, Alan Brown, made a secret deal with the Tramways Union that traded the jobs of conductors for keeping some tramlines open. Obviously, this deal made blood boil in the ALP and in Trades Hall, but the rail unions had no choice but to try to come to a similar understanding. Job losses were inevitable, but union negotiators say that these talks were “surprisingly constructive”: even the perennially vulnerable Upfield line survived.

While the unions may have valued Brown’s “measured and consensual demeanour” (Parkinson, 2000, p. 161), they were in no doubt about the ideological bent of the new government as it moved to cut jobs across the public sector. By 30 June 1996, there had been over 8,500 staff departures from the Public Transport Corporation (Victorian Auditor-General, 1998) through out-sourcing and a generous redundancy program under what was called the Reform Program. Not surprisingly, interviews with Kennett ministers (Cole, 2003) show that privatisation of public transport was always a consideration. However, in the early years there was no clearly workable model to ensure profitability for private interests. In 1995, the Treasurer, Alan Stockdale, established a Transport Reform Unit TRU to provide solutions to these problems. Their preferred option was to create four ‘competing’ corporations – two for suburban train and two for tram operations – for later sale or franchising to the private sector through competitive bidding.
In 1992, the public transport unions had amalgamated in a single entity, later called the Australian Rail, Tram and Bus Industry Union (RTBU). Like much of the rest of civil society, the Victorian branch of the RTBU had little political room to move in the face of Kennett’s huge popularity and his ‘crash through’ style. Like all public sector unions, the government’s decision to stop payment of membership fees via payroll deductions weakened the RTBU financially, but the union still had a militant core.

Negotiations over conditions in the new corporations began in late 1996. Brown resigned at this time, but the union and the new Transport Minister, Robin Cooper, reached a draft agreement in February 1997. Kennett and Stockdale blocked this agreement partly because Stockdale was starting to believe that the work of his TRU had opened a way to achieve more radical change than had been envisaged in Brown’s Reform Agenda. In response, the union called a 48-hour strike during the weekend of the Australian Formula One Grand Prix, an event that Kennett had only the year before brought to Melbourne from Adelaide and which he had used as a symbol of his political dominance. Seizing the moment, Kennett and his ministers fanned public sentiment against the union and the Premier announced that privatisation would proceed as fast as possible (Cole).

Despite the government’s trenchant rhetoric, union organisers were able to negotiate a deal that saw the loss of very few jobs and the preservation of most of the existing public sector entitlements in the transition to the new corporations. This meant that any big changes in industrial relations would have to wait for the arrival of the new franchisees in 1999. The expectations were clear: “bringing in private operators would have effects on efficiency, service delivery (and) customer focus” (Stockdale, quoted in Cole, p. 30).

The successful franchisees took control of public transport operations in August 1999. The two new operators of the suburban railways were Connex, a French-led consortium, and the British firm, National Express.

Senior managers at National Express were imported from the British rail industry and were soon in conflict with the union (Fairbrother & Williams, 2007). It appeared to union officials at the time that National Express management, like most of the pundits, were expecting the return of the Kennett government at the election held in the month following the start of their franchise. The union feared that National Express was planning a major push, with government backing, to wind back working conditions (RTBU official, 16 June 2009). If this was the National Express strategy, and a failed attempt in 2000 to force drivers to work 10 or 12-hour days (Barton & Fairbrother, 2007, p. 246) suggests that the unionists may have been right, it was dealt a blow by the surprise victory of the ALP.

Connex took a more conciliatory position and, by stalling in negotiations with National Express until a deal was made with Connex, the RTBU was able to establish a benchmark for wages and conditions in the privatised industry that represented little change from the status quo under the government corporation (Barton & Fairbrother, 2007).

By 2002, the franchisees were facing serious problems. The 15-year contracts were based on large increases in patronage. Government subsidies were to fall in line with this increase in farebox revenue, but growth of the scale required was never likely to be achieved (Mees, 2005). Compounding this basic flaw in their business plans, the operators felt that there were many obstacles in the way of making their businesses work. These included a high level of fare evasion, problems with a new ticketing system, and indecision and delay on the part of the public agency overseeing the contracts (Watts, 2004). The government made
a $110 million payment to operators in early 2002 and negotiations for further payments that continued for the rest of the year. Despite this, on 17 Dec 2002, National Express gave a week’s notice of its intention to abandon its Melbourne operations.

Workers in National Express rail operations feared a loss of jobs and entitlements comparable to that experienced by employees of Ansett Airlines that had failed in spectacular fashion earlier in the year. Union leaders managed to keep its militant members off the picket lines long enough to get a guarantee from the ALP Transport Minister, Peter Batchelor, that the government would maintain jobs and conditions until the crisis could be resolved (RTBU official, 16 June 2009). In fact, the government eventually chose to give all suburban rail operations to Connex under a new and more generous contract that included increased payments and released the operator from the strictures of the steep patronage and revenue targets contained in the original contracts (Mees, 2005).

Since privatisation commenced, the RTBU has recovered any strength it lost in years of direct attack from the Kennett government. It has 100% coverage of drivers through its Locomotive Division; and the Rail Operations Division (the old ARU) has rejuvenated its organisation of workplace delegates and taken an “aggressive … approach … aimed at challenging managerial authority rather than disrupting passenger services” (Barton & Fairbrother, 2007, p. 252-253).

In recent years, although a low level of disputation has been apparent to users, the locus of conflict in the Victorian railways industry has shifted from regional freight, where unions were able to exert their influence during the 1980s, to metropolitan public transport where employers are:

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\text{vulnerable to (union) influence because … they’ve got penalty clauses in their contracts … every time a train is a little bit late it costs them thousands of dollars and so the power we’ve got over them is enormous} (\text{senior state RTBU official, 6 Dec 2004, quoted in Fairbrother & Williams, 2007}).
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From 2005, new pressures on Connex began to emerge. Big rises in petrol prices in mid-2005 gave new impetus to the increasing numbers of CBD workers living in the gentrifying inner and middle suburbs to turn to rail. Even allowing for overstatement of patronage numbers in reports from operators (for a full discussion, see Stone, 2008, pp. 10-14), it was clear that passenger numbers were growing. Despite ambitious government targets to achieve a greater than twofold increase in public transport’s share of motorised travel in Melbourne to 20% by 2020 (Department of Infrastructure, 2002) little had been done to make this a reality. Off the record, many insiders accept that most new public transport passengers came for reasons external to the management of the system, and government admissions that new rolling stock would not be available for many years (The Age, 25 April 2007, p. 3; 5 May 2007, p. 13) confirm the view that the increase in patronage was unexpected. The inability of the operator to deal with growing passenger numbers, despite such change apparently being central to the original franchise bids, continues to be a major issue in Victorian politics and Connex has increasingly become the target of public derision even from those who do not commonly use its services.
Feeling the heat: the 2009 summer crisis

The most recent public relations and operating crisis came during the hot summer of 2008/09. Media coverage of the large numbers of service cancellations during December and January made much of equipment failures in the late January heatwave. There was some reporting of industrial disputation, but the protagonists tended to downplay its extent. Then, on 29 January, Connex Chairman, Jonathon Metcalfe, used a high profile radio panel discussion to launch an attack on the drivers, blaming the Locomotive Division of the RTBU for “four out of five trains cancelled in recent days” (The Age, 30 January 2009, p. 1).

The unwillingness to refer publicly to an active industrial dispute is not surprising. Under IR laws introduced in recent years by the Howard government in Canberra, most traditional industrial action is illegal if taken outside a tightly proscribed framework of secret ballots and other restrictions. Neither Connex nor the RTBU initially saw any advantage in playing by these formal rules, so both sides had tried to avoid acknowledgment of contention over the implementation of two initiatives taken by Connex in response to continuing patronage growth.

First, Connex introduced a new timetable in November 2008 and the RTBU successfully argued for a bonus payment for its implementation. The Operating Services Division felt that Connex had been tardy in payment of this bonus and took action during December to ensure that the money came through before Christmas (Union Express, 2008). Tensions between the drivers and the Operating Division were also clear at this time with the drivers’ representatives implying that the other workers only received the payment because of the Locomotive Division negotiations with the government (Loco Lines, 2008b).

Second, Connex revised its Fault Management Protocol, by which drivers decide when to take a train out of service in response to a fault. The new protocol tightened this procedure to keep more trains with minor faults in service until after the next peak period. Connex claims that drivers found the new rules “confusing” and the union says they were “full of ambiguities” and did not solve problems caused by chronic inattention to routine maintenance. In any case, disagreements over interpretation of the new rules continued through January and February and were to blame for at least some proportion of cancellations over this time.

Service disruptions increased when the pursuit of differing interpretations of the fault protocol put further strain on an already difficult relationship between the two divisions of the RTBU. In the past, drivers had reported faults to train controllers (from the Operations Division), but they now wanted to change this arrangement so that someone with driving experience would take their reports. Connex was either unwilling or unable to prevent this argument from coming to a head, and finally tempers flared, leaving a train abandoned at Richmond station for eight hours from 9.00am on Wed 18 February, blocking all services on the Sandringham line (Connex and union officials, interviews, June 2009). Subsequent hearings in the AIRC ruled in favour of the status quo supported by both Connex and the Operations Division and by April 2009, the drivers were seeking a separation from the RTBU (Union Express, 2009).

The summer of cancelled trains coincided with negotiations over a new pay deal as part of a new Union Collective Agreement (UCA) due in mid-2009. In April, Connex announced that the RTBU had accepted an offer of a 15% increase over three years. This relatively
generous settlement, cleared with the government before it was signed off (Connex official, 3 June 2009), compares well with Victoria’s new recession-driven wages policy for the public sector that caps annual wage rises at “2.5% with the opportunity for further increases in line with productivity increases” (media release, John Lenders, Treasurer, 27 March 2009).

Both Connex and the union argue that the new agreement will include sufficient productivity gains to square with the government’s wages policy, but it appears that drivers will keep their “guaranteed payments”, which are included in the current Connex Melbourne UCA (p. 71). In practice, this clause allows payment for a full shift even when drivers work a shorter shift due to rostering and timetable constraints.

A further sign of ‘soft’ bargaining by Connex is the continuing influence on train scheduling of the survival of an archaic and inefficient rostering principle, seemingly unique to Melbourne. Drivers prefer to travel a single line only once in a shift due to a perceived risk of boredom-related accidents. While Connex say the practice is not official policy (Connex interview, 3 June 2009), rostering decisions are apparently still made on this basis (driver, interview, 27 May 2009) and, by requiring drivers to move between lines at Flinders St more often than is necessary, the practice guarantees that a problem on one line compounds into delays across the system.

The summer of disruptions also coincided with the preparation of bids by Connex and two other international consortia for new franchise contracts to begin in late 2009. All bidders had met with the RTBU in late 2008 and indicated their willingness to “continue the current relationship” (Loco Lines, 2008a). The possibility exists that parts of the RTBU may have wished to send a message to the new bidders about the strength of the union.

**Understanding current industrial relations in public transport**

The architects of privatisation expected that the new managers would transform service delivery and create a new focus on the needs of the users of Melbourne’s railways. One might want to dismiss the whole exercise as misplaced faith in a now-discredited free market ideology, but through the various incarnations of the franchising process since 1999 new dependencies have grown up between the government, the operators and the union. Any attempt at reform of current arrangements must address these new realities. This includes understanding how the union has maintained its power over the past decade.

It is not necessary to suppose a commitment to neo-liberalism to understand the ALP’s support for the franchising. Its decisions since 2000 make sense if seen as an example of its desire to depoliticise the business of governing. Depoliticisation describes a mode of governance that includes:

> a range of tools, mechanisms and institutions through which politicians can attempt to move to an indirect relationship and/or seek to persuade the demos that they can no longer be reasonably held responsible for a certain issue, policy field or … decision (Buller & Flinders, 2005, pp. 295-296)

This does not imply that the political dimension no longer exists; rather it suggests that the politician recognises an advantage in the appearance of distance.

In the case of public transport, this distance is clearly an illusion. The government is intimately involved both through the Department of Transport (DoT) and through close
links between union officials and the Minister’s office. Mees (2005) cites the complexity of the arrangements between the DoT and the franchisees, through which government regulators become enmeshed in both long-term strategy and the resolution of day-to-day operational issues with no clear lines of demarcation, as one of the key explanations for the failure to achieve significant improvements to services under the privatisation program. A more positive review of these arrangements (Stanley et al., 2006), written by a team that includes the senior regulator, does little to allay these criticisms.

The government now pays more than ever to operate Melbourne’s public transport system. This was made public in 2006 (Mees et al.) using evidence from an earlier Victorian Auditor-General’s report (2005). Strenuous denials followed (Department of Infrastructure, 2007), but the point was quietly conceded by the Transport Minister, Lynne Kosky, during the intense scrutiny of her portfolio during the summer crisis: “it’s no cheaper, we have had to put a lot more money into the system” (The Age, 24 January, 2009, p. 8).

The influence of both Connex and the union in maintaining this increased flow of funds is clear. Connex has clearly understood that risks associated with failure to meet its contractual obligations rest with the government and that it is safe to “gamble that a financially-distressed operation will be rescued because government will not wish to face the political consequences” (Kain, 2006, p. 56). And, the unions have direct channels to pursue their interests with government through “advisors in the minister’s office (who are) linked into union networks … and two full-time staff within the department … appointed to facilitate industrial relations” (Barton & Fairbrother, 2008, p. 66). In addition, RTBU Victorian Branch Secretary, Trevor Dobbyn, is Senior Vice President of the state branch of the ALP, and a factional ally of the Transport Minister.

What is likely in the future?

There is an urgent need for better urban public transport to meet environmental, social and economic objectives. This is clearly a motivation for the recent Commonwealth decision to, for the first time, fund large urban rail projects. Beyond these major infrastructure works, there is a growing national consensus of observers across the political spectrum calling for fundamental rethinking of the way that public transport services are designed and delivered (for example, Hensher, 2009; Mees, 2009). They make a strong case for the provision of fully coordinated ‘networked’ services rather than the fragmented collection of modes evident in Melbourne (and in Sydney and Brisbane). The key operational elements of the network approach (described well in Nielsen & Lange, 2005) are:

- integration of all modes with easy and comfortable transfers at multiple locations across a city region;
- a clear and consistent ‘line’ structure that is easy for users to learn and understand;
- direct routes, enabling fast operating speeds;
- high frequencies where demand is sufficient, and co-ordinated timetables elsewhere.

Mees goes on to argue, using evidence from of cities that have achieved sustained growth in public transport patronage, that modal coordination can only be achieved through strong public transport planning agencies, which manage any private operators through sub-contracts rather than complex franchise arrangements.
Given the interests of the government, the franchisee and the union, as described above, it is hard to see momentum in any of these institutions for significant reform in the delivery of public transport services in Melbourne along the lines suggested by Mees or Hensher. With public transport now higher on the political agenda, there is sufficient money available to meet the needs of private shareholders and union wage claims without the need to address entrenched inefficiencies. It is likely that these will continue both in the operations of a single mode (such as the problems with rostering drivers, as described earlier) and in the failure to overcome years of perverted competition between modes.

Union action in the 1980s certainly was crucial to protecting much of Melbourne’s public transport from going to scrap, but over the decades of falling patronage, unions and management generally shared a focus on operational minutiae. And, while it is true that unions have few resources to undertake any independent analysis of government initiatives, such as the list of projects that make up last year’s Victorian Transport Plan, lack of money is not the only impediment.

After decades of running a system based on extensive and ageing infrastructure but with relatively few passengers, it is not surprising that inefficient practices have become entrenched. A long pattern exists of underlying agreement between management and workers about incremental changes that are required to improve services. There is a sense of complacency that all the necessary expertise for the development of solutions to deal with growing demand for public transport can be found from within the existing industry. So, there will continue to be strong reluctance from both unions and management to allow the public process of scrutiny and consultation that have driven transport reforms in more successful cities (Stone, 2009a).

The corporatist approach of Connex management fits neatly into this historic state of affairs. In line with a model observed by scholars of French industrial relations, Connex encourages workers to “identify their interests with those of the company” (Parsons, 2005, p. 23). This is evident in the purple prose about “growing the business … embracing change (and) delivering world-class transport service” in the preamble to the current Union Collective Agreement (pp. 6-8).

Differences between the union and managers at Connex and the DoT do exist, but the union’s desire, for example, to see more staff on suburban rail stations is not likely to gain any traction unless it becomes the focus of stronger action through an organised alliance between the union and the wider civil society. Such alliances are not a priority for unions under the current balance of power with government and employers in the public transport industry.

However, power dynamics can and do change. Unions and social movement actors may yet need to find ways to mobilise together to shape reforms in Melbourne’s public transport. The new franchise contracts that the state government hopes to have in place in late 2009 are expected to hold a clause that may weaken union power. It is intended that there will be a cap of $12 million p.a. on fines imposed on the operators for late services (Department of Transport, 2008). This will remove a point of pressure that the union has successful exploited in the past and removes a barrier to an employer wanting to drive its own agenda harder.
References


