

# Recovering an Optimism of Agency: Multi-scalar Organizing in the Triton Dispute

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## Abstract

The aim of this paper is to provide a case study analysis of the potential that a multi-scalar approach holds for organised labour in managing disputes. To present this analysis the paper draws on the 2008 dispute between the Maritime Union of Australia (MUA) and Gardline International, otherwise known as the Triton Dispute. While highlighting the success to be enjoyed by operating at this level, the analysis also confirms the importance of the context in which the dispute occurs. That is, as Herod (1998, pp.6 – 12) suggests, it is important to remember that the labour law of particular geographies can influence the decisions that labour makes at any particular time, and therefore the spatial context in which labour engages.

**Keywords:** MUA, Triton, industrial dispute, multi-scalar

## Introduction

In reviewing the organising strategy adopted by the Maritime Union of Australia (MUA) in what is referred to as the Triton dispute, a key to the Union's success was the multi-scalar approach of incorporating local, national and international actions. However, in using this conceptualisation to describe the MUA organising strategy, it is important to note that we are not viewing spatial scale as a ladder; that is, as an approach that implies organising as sequencing from the local to the national and subsequently the international. Instead, we use the concept in reference to Harvey's (2000 p 75) interpretation that suggests multi-scalar engagement necessitates involvement with the 'nested relationships that exist across a hierarchy of scales', the implication being that a multi-scalar model of action is a non-hierarchical, flat, open

form of organising which maximises grassroots (or local) activism alongside national and international activism (Herod & Wright 2002; Webster, Lambert & Bezundenhuit 2008).

Nonetheless the impetus for organised labour to respond using this approach undoubtedly stems from the ‘global’, or rather the nature of restructuring that places most of company operational life at the level of the global rather than the local. This was undoubtedly true of the company at the centre of the Triton dispute – Gardline International a branch of the United Kingdom (UK)-based Gardline Group of Companies. In Australia, the company had already prior to the dispute, restructured workplace agreements in customs operations through the gradual replacement of the engineers and officers over a period of some seven months in response to pressures stemming from its headquarters.

By providing a case study analysis of the MUA strategy in the Triton dispute, one aim of this paper is to illustrate how unions can craft responses that deal with ‘global’ companies such as Gardline International, and yet attain effective outcomes for their membership. This analysis highlights the imperative for organised labour to consider including a multi-scalar approach to successfully respond to the challenges affecting the memberships work conditions as well as their own survival as worker organisations.

However, a further aim of this paper is to illustrate the significance of the socio-political context or the ‘spatial context’ in shaping the trajectory of disputes. The Triton Dispute was the first major industrial dispute during the early transition period from the Howard-led Coalition government to the Rudd-led Australian Labor Party (ALP) government in late 2007. The Howard government’s overt anti-union policy over the previous decade of government had mobilised the union movement, under

the aegis of their peak body, the Australian Council of Trade Unions (ACTU), to actively campaign against the government and, by default, campaign for election of what was regarded as a more Union-sympathetic Rudd-led ALP into Federal government leading up to the 2007 Federal Election. Thus, while seeking to attain outcomes of benefit to their members, the dispute attained a further symbolism for the movement as a ‘test case’ in ascertaining how the newly elected Rudd government was going to respond to Union concerns about anti-union actions by employers. It is argued that this analysis confirms the prescience of viewing multi-scalar union action as not just engaging with ‘nested relationships that exist (horizontally) across a hierarchy of scales’ but also ensuring that the ‘spatial context’ framing their action is one that acknowledges their legitimacy. The paper begins by describing how the dispute reflects a multi-scalar approach, before discussing the significance of the dispute for labour’s future organising strategy.

### **Multi-scalar Organizing in the Triton Dispute**

In January 2008 Gardline International, a branch of the Gardline Group of companies in the UK (United Kingdom), failed to renew its manning agreement for the crew of the “RV Triton” through its agent, Teekay Shipping. This meant that the crew would have been left without a contract of employment upon leaving Darwin, Australia and docking in Singapore for a substantial upgrade. While the company claimed that it was acting legally, it was clear that the company wanted to employ a non-union crew (ABC News, 3/02/08). The Dispute was settled with the delivery of a Heads of Agreement between the Union and the company that included reinstatement of all crew as permanents, manning scales as applicable to all MUA agreements and a union collective agreement on the same terms and conditions that apply to all Australian

seafarers (MUA, Sydney, 2008). The outcome also secured Union coverage of Gardline's other vessels engaged in customs work (Interview 1). In sum, the Union clearly 'won' the dispute.

The MUA made it very clear that this was a dispute to be run at many levels when Warren Smith, the Sydney Branch Secretary and official responsible for the dispute locally in Darwin, stated in the Sydney Branch's monthly magazine in April (MUA Sydney, 2008) that "the Union strategy, centrally coordinated to take into account the local, national and international spheres, kicked into action and cut through at many levels".

At the 'local' level the MUA drew on their experience in the 2006 Stolt dispute. In this the transnational shipping firm, Stolt Australia, had tried to replace local crew with a foreign crew. Drawing on this experience, the MUA acted to ensure that the Triton never left the Darwin port. The Triton crew subsequently decided to effect a 'sit in'; that is, remain on board the Triton in Australian waters (Darwin) until a new manning agreement was reached to secure their jobs.

However, the Union's experience in the YR@W (Your Rights @ Work) ACTU-led marginal seats community campaign also confirmed for the Union the importance of securing a broad base of community support for the Union's actions. In this campaign, the ACTU had resourced marginal seats in the lead up to the 2007 Federal Election with a Community Campaign Co-ordinator whose mandate was to work with unions and community groups to 'shift enough votes in these seats to defeat sitting government members' (The community campaign <http://www.qcu.asn.au/391.html>). The significance of engaging the community in the core business of unions – that is, industrial relations – was confirmed in analyses of the 2007 election outcome. The Australian Election Study, 1987-2007 showed that the most important election issue

for electors in 2007 was industrial relations, increasing from a level of just above 4 per cent in the 2004 election to 16 per cent in the 2007 election. This correlates with the additional finding about preferred party policy on industrial relations with the ALP percentage rating increasing from 27 per cent in 2004 to 52 per cent in 2007, whilst Coalition ratings declined from 37 per cent in 2004 to 32 per cent in 2007 (McAllister and Clark 2008).

The Union subsequently embarked on a media strategy that promoted change in the company's attitude towards industrial relations as reflecting the broader attitudinal change that the Australian electorate had just mandated in the 2007 election. In keeping with the 'community' strategy, the Union also established the Fort Hill Peaceful Assembly (or picket line), which was manned 24 hours for seven days by not only unionists but also community members.

At the national level, the Union attracted widespread support from other branches, but, very importantly, funds through levies on the membership (Interview 1). These were used for payment of wages and other costs associated with supporting the 11 - crew members such as airfares and any costs that may have needed to be paid for these men or their families whilst the dispute continued (given they had no wages coming in). The levies were also used to pay for any incidental costs for running the dispute at the local level such as picket line costs, media, flyers, stickers and t-shirts.

However, the intersection of the various scales of action was significant in achieving the dispute outcomes. National Secretary Paddy Crumlin held critical discussions with Customs Minister Bob Debus as well as Deputy Prime Minister Julia Gillard, Minister Chris Ellison and even the Prime Minister. While these discussions revolved around the 'dispute' the Union was clear that the assistance they needed from the Government was not to win the dispute, but to publicly indicate their displeasure with

what was happening and hence signal that their approach to Unions in industrial relations clearly differentiated them from the previous Government's role (Interviews, Crumlin, Doleman). This was forthcoming in public statements such as that from Minister Debus who was reported (The Age 29 January 2008: 6) as saying "They (Gardline) appear not to understand that the world has changed – the present Government does not support the kind of industrial behaviour we are seeing here".

Finally, shows of solidarity were received from unions internationally. The Maritime Union of New Zealand (MUNZ) sent two officials in Wellington Seafaring Secretary Joe Fleetwood and National Vice President Garry Parsloe to the local picket line in Darwin. The Rail Maritime and Transport Union in the UK sent letters of protest and the UK officers Union Nautilus, who were in direct negotiations at the time with Gardline in the North Sea, informed Gardline that those negotiations were to stop whilst Gardline continued its dispute in Australia, thus placing at risk huge amounts of investment by the company (MUA, 2008b and c, Interviews, Crumlin, Todd)

Norwegian maritime unions also issued strong warnings to Gardline stipulating that boycott action of all of Gardline's vessels in and around Norway ports and waters would occur, if the dispute was not resolved. (MUA, 2008b, Interview, Crumlin)

The International Transport Federation (ITF) also contacted Gardline directly through ITF Maritime Coordinator Steve Cotton, and through discussions with Gardline CEO Greg Darling indicated that ITF agreements with Gardline were also at stake. In summary, the Union was able to marshal a level of international support that put in jeopardy the status of the company's ability to operate unhindered in international waters and in particular the North Sea.

## Analyzing Events

‘Agency’ or rather the ‘optimism of agency’ (Lambert, 2008) of the affected workers was highly influential in affecting events as well as the outcomes of this dispute. This was in contrast to what others describe as fatalistic submission (Lambert 2004: 308-312; Lambert and Gillan 2007: 78-81; Silver 2003: 16) and market adaption (Lambert, Webster and Bezuidenhout 2008) of worker agency when confronted with behaviour from a transnational company (such as Gardline) that they believe they have no chance in changing or turning around. Unlike the engineers and officers in the customs operations section, this group of seafaring Gardline workers refused to believe that they had no chance of impacting Gardline’s decision or that their respective Union – the MUA - could or would help them manage their situation. Their stated aims in the crew statement they released when staging their ‘sit-in’ confirms this (MUA Sydney, 2008; interview, Wheatley):

“We the crew of the RV Triton would like to put on record our disappointment at Gardline for sacking us because we are members of a union.

They have used WorkChoices to undermine the wages and conditions of Australian workers, even after the Australian people overwhelmingly rejected the anti-union laws and dumped the Howard government from office on the strength of fighting for our rights at work.

MUA crew members have over 100 years of combined experience on this vessel and our work and performance on the Triton has been above reproach. Australian seafarers are the most highly trained and qualified seafarers in the world. We are proud of our contribution in making this operation a success and we are therefore determined to stay on this vessel as long as it takes until we get our jobs back.

**We will get this ship working when we get our jobs back, get a union collective agreement and receive an iron clad commitment we will not be replaced whilst overseas.**

We thank our families and the community for their support and love in this difficult time.”

However, it was undoubtedly the case that the immediate support they received from the Union was highly critical. As often happens to workers caught in the headlights of restructuring plans of a foreign transnational, their fatalism is reinforced by the paralysis of their Union to fight such changes (Lambert, Webster and Bezuidenhout 2008: 5; Lambert and Gillan 2007: 78-81). The events of the dispute confirmed that this was not the case with the MUA.

Rising from the ashes of the 1998 Waterfront Workers Dispute with Patrick Corporation, the MUA had been consistently re-structuring its organization and way of working to not just retain but also grow its membership in the intervening years. In particular the Union had instituted a very proactive 'Rank-and-File' ethos under which rank-and-file members were actively encouraged and skilled to embrace leadership positions and be engaged in the Union decision-making. The case study of the WA branch of the MUA illustrates this.

Apart from reviving local occupational health and safety committees and re-introducing the shift delegate system, the WA branch promoted the state conference as a venue for rank-and-file members to express their opinions as opposed to having to listen to the opinions of elected officials. As WA MUA Secretary Chris Cain said at the conclusion of the 2004 WA MUA Conference: "It is a joy to see the rank and file beginning to take decisions themselves in the affairs of the union" said Chris Cain (as cited by Jamieson: 2004).

Finally, the action by the Union to mobilise significant support from different sources was also highly critical in maintaining this 'optimism of agency' amongst workers. Nation-wide phone hook-ups and the innovative use of You-Tube gave workers a direct voice to others. In addition, hundreds of motions of support were received by email and fax from vessels working the Australian coast as well as every major wharf

in the country generating what can be described as an 'off-site' sense of solidarity, As crew spokesman Mark Wheatley commented "as long as everyone was behind us we weren't going anywhere" (Interview, Wheatley).

The level of national and international organizing that the Union was able to engage in was arguably the most significant 'nested relationship' that enabled the Union to pursue the dispute on its terms. As Herod (1998 : 6-12) suggests, it is important to remember that labour law of particular geographies can influence the decisions that labour makes at any particular time and therefore the spatial context in which labour engages. The change in government just prior to the dispute was highly significant in effecting a new culture of industrial relations that was supportive rather than dismissive of both the workers and union actions in this dispute. In reference to historical events, analysts suggest that one of the reasons why the 1998 Dispute between the Union and Patrick Companies was one of the most significant disputes in Australian labour history was because the role that the then Conservative Federal government played.

In a departure from a tradition that had existed since inception of the system of conciliation and arbitration in 1904, the State under Prime Minister John Howard (1996-2007) had actively engaged with employers to try and break the union stronghold on the Australian waterfront. This was not only by using regulatory powers under the Workplace Relations Act, 1996 but also by supporting the company and its close ally, the National Farmers Federation, to train strike-breakers in Dubai using the Australian Army (Dabscheck 2000: 498). The infamous 'dogs at night' event whereby the Army and Australian police were used to try and smash Union picket lines further confirmed the reversal of the role of the Australian State from one that had for long time been the arbiter between

employers and employees to one that was clearly linked to supporting employers, especially against the union (Bramble 1998).

However, the fervour with which the Howard regime had pursued their strategy of de-collectivisation as well as restructuring industrial relations along market principles during their period of government had created a groundswell of support in the community, which the Union was able to draw upon in their strategy. For instance, it is notable that in contrast to similar actions under the previous Howard-led regime, neither government nor police sought to break-up the peaceful Fort Hill assembly.

Thus, for the Union to be engaging with a government that was not only more union sympathetic but more sympathetic to their union was a radical difference from what had existed until the 2007 election. Consolidating the effectiveness of their national actions was of course the ability of the Union to 'go global' as this enabled them to create a new scale of action (Ellem 2006) that would prove critical in resolution of the dispute. As outlined by Herod (2001: 1-12) and as the events of the case confirm, labour is effective against global capital when it too can organize across national boundaries.

## **Conclusion**

A major aim of this paper has been to illustrate a successful example of a campaign by labour that uses space and scale to challenge the supposed hegemony of global capital. In presenting this and the subsequent analysis it is clear the Union did not choose between any particular scale of action in this campaign, but rather adopted a multi-scalar approach to win the dispute. In summary, the Union set about linking actions at a "number of geographic scales" (Herod 2001: 11). Ellem (2006: 371-374) talks of the necessity for labour to "act at a range of scales" if it is to defeat capitalism

and “range over space too, not just make place, as it constructs new institutions and scales of action”. We suggest that this case study confirms how the Union coordinated its action at many scales to be ultimately successful in this dispute.

Furthermore, by strategically expanding scale and moving across space particularly in implementing the national political and international components of the campaign we see the Union exercising what Lambert (2008, chpt.10) calls new possible sources of power. The Union was able to do this through identifying and then attacking a source of the company’s vulnerability. The MUA directly challenged the relationships Gardline had with organized labour in an area where they had a great deal of capital invested and were making substantial profits. These relationships had the potential to undermine those critical investments. The MUA also directly attacked Gardline in it’s emerging market of border security that they were trying to grow by having their main client, in the government, question them and their future contracts. Both strategies enhanced the Union’s ability to look forensically at the current and future business interests of Gardline and exercise influence on their ability to continue to operate successfully in these areas.

Nonetheless, we acknowledge that ‘timing’ is another variable that intersects with scale in terms of influencing the outcomes of disputes such as this. That is, if the dispute had occurred under the period of the Conservative Federal Government, the outcomes may have been different, given the adherence of this Government to minimising the influence of Unions in the employment relationship.

In conclusion, we would argue that the experience of this case study confirms that in approaching their struggle, labour movements must operate on many spatial levels. Adopting a multi-scalar basis to action does not just include the international, but also

the national and local to attain as Harvey (2000) describes the ‘spaces of hope’ to achieve as Lambert suggests the ‘optimism of agency’.

## References

- ABC News, 3<sup>rd</sup> February (2008) ‘Triton’s Crew Jobs Reinstated’, <http://www.abc.net.au/news/stories/2008/02/03/2153088.htm>. Accessed 10<sup>th</sup> July 2009.
- Cain in Jamieson, I (2004) Ranks retaking control of WA MUA branch, *GreenLeft Weekly*, Feb 25, 2004, [www.greenleft.org.au/back/2004](http://www.greenleft.org.au/back/2004).
- Caspersz, D & Lambert, R (2004) A Case Study of the Western Australian Branch of the Maritime Union of Australia post 1997-98 Dispute: a first analysis, awaiting publication.
- Crumlin, Paddy. Maritime Union of Australia National Secretary, Sydney, 8<sup>th</sup> – 15<sup>th</sup> April 2008.
- Dabscheck, B (2000) The Australian Waterfront Dispute and Theories of the State, *The Journal of Industrial Relations* 42 (4): 497-516.
- Doleman, Mick. Maritime Union of Australia Assistant National Secretary, Sydney, 14 April 2008.
- Ellem, B. (2006) ‘Scaling labour: Australian Unions and Global Mining’, *Work, Employment and Society* 20 (2), June: 369-387.
- Harvey, D. (2000), *Spaces of Hope*. Edinburgh: Edinburgh University Press.
- Herod, A. (1997) ‘Labour as an Agent of Globalization and as a Global Agent’. in Cox, K. (ed) *Spaces of Globalisation: reasserting the power of the local*. New York: Guilford Press.
- Herod, A. (1998) ‘The Spatiality of Labor Unionism: A Review Essay’ in Lambert, R. (2004) ‘Death of a Factory: Market Rationalism’s Hidden Abode in Inner City Melbourne’, *Anthropological Forum* 14(3): 297-313.
- Interviews
- Jamieson, I. (2006) Community Solidarity Targets Alcoa. Australian News, *Green Left Weekly*, issue 689(8): November 2006.
- Lambert, R. and Gillan, M. (2007), ‘Spaces of Hope’? Fatalism, Trade Unionism, and the Uneven Geography of Capital’, *Economic Geography* 83(1): 75-95.
- McAllister, Ian and Juliet Clark (2008) *Trends in Australian Political Opinion: Results from the Australian Election Study, 1987-2007*, Canberra: Australian Social Science Data Archive. □ <http://assda.anu.edu.au/aestrends.pdf>
- Silver, B. (2003) *Forces of Labor: Workers’ Movements and Globalization since 1870*. Cambridge: Cambridge University Press.
- Smith, Warren. Maritime Union of Australia Sydney Branch Secretary, Sydney, 9 April 2008.
- Webster, E., Lambert, R & Beziudenhout, A, (2008) *Grounding globalisation: labour in the age of insecurity*. Wiley-Blackwell.
- Wheatley, Mark. Maritime Union of Australia member and Triton crew spokesman 3 May 2008.
- Wills, J & Simms, M. (2004) ‘Building reciprocal community unionism in the UK’ *Capital & Class*, Spring 82: 59-84.