

CASE STUDIES

SAFETY

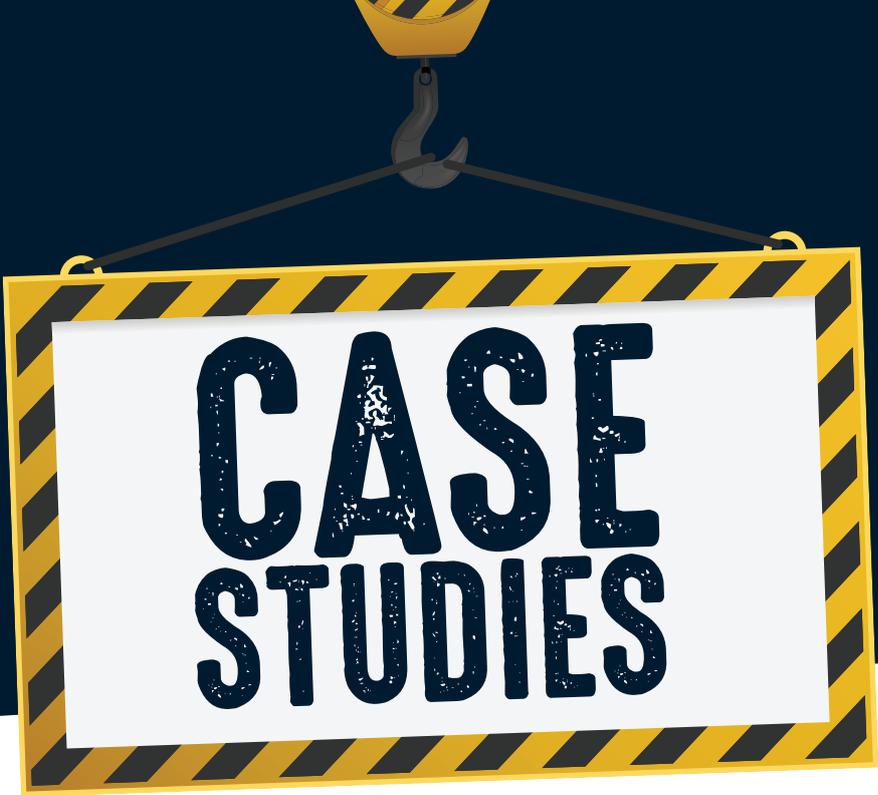
In its first incarnation, under the Howard Government, union officials and workers were prosecuted by the Australian Building and Construction Commission (ABCC) for taking action on safety. In 2008, legal proceedings were commenced against rigger Ark Tribe by the ABCC following his attendance of a meeting relating to various safety breaches on a site in Adelaide. At the meeting, workers discussed various concerns they had relating to lack of proper safety on site. A list was drawn up of breaches that needed attending to. Tribe was called to a secret interview by the ABCC to discuss the meeting and when he refused, he was prosecuted over an 18 month period.

Safety is a major concern of unions and the construction industry is one of the most dangerous places to work. In November last year, two Irish workers were killed when they were crushed by a falling concrete panel in Perth on a Jaxon construction site. Their deaths were utterly avoidable.

The CFMEU had tried to get on that site to inspect safety issues and were prevented from doing so. Jaxon Construction had contacted the FWBC to stop the union from going on that – and other Jaxon sites a total number of 18 times.

In the aftermath of the fatalities, the Master Builders Association was moved to comment that there needed to be greater scrutiny of on-site safety.

The right to a safe workplace is internationally recognized and enshrined in law in many countries. The ABCC laws trample all over this right as workers become fearful of speaking out due to the harsh penalties they face.



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RESTRICTIONS ON PUBLIC ASSEMBLY

The laws contain clauses which introduce new prohibitions on person engaging in or organizing pickets.

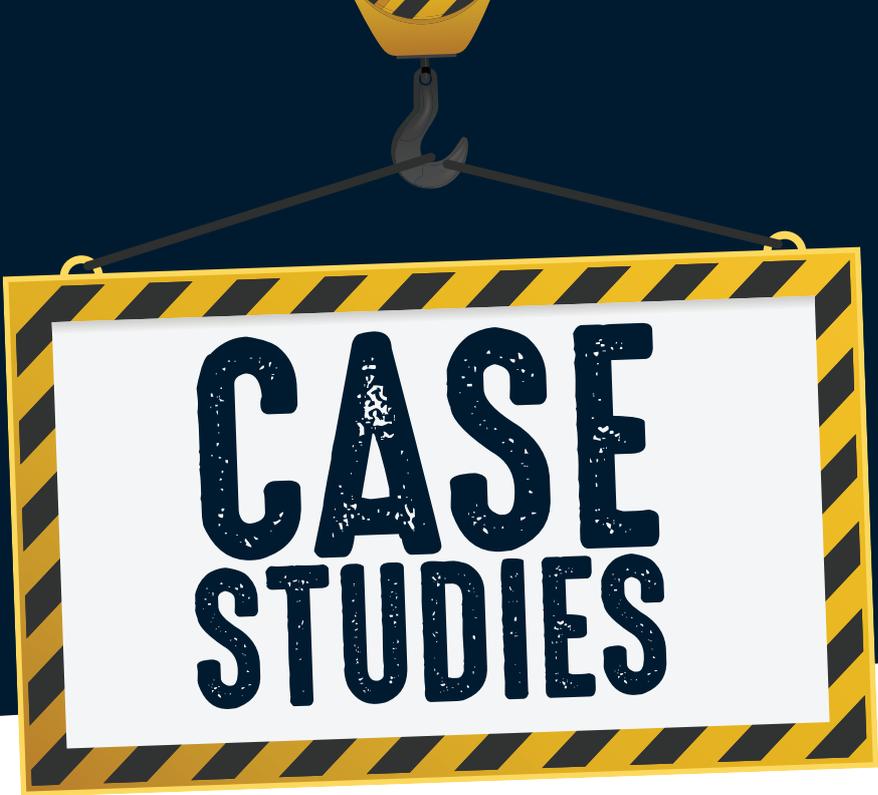
In April 2016, more than 50 workers from the Bendigo Hospital project informed the CFMEU that they had not been paid for months for work they had done on that site. Their employer, Asset Interiors had gone into administration owing the workers a total of \$1.6 million in wages and entitlements. The Victorian branch of the CFMEU rallied in support of the workers in order to demand payment for unpaid labour from Lend Lease at their head office in Melbourne.

The union had first raised concerns about Asset Interiors with Lend Lease in December 2015, but Lend Lease had failed to act. The National Secretary of the Construction Division had written to Workplace Relations Minister Michaelia Cash outlining this latest corporate rort and pointing out that the Federal Government regulator, Fair Work Building Commission, ignored systematic exploitation of workers on Lend Lease's Bendigo Hospital site.

The Minister did nothing to assist the workers and in her reply to Mr Noonan she referred to the union's 'illegal' activity.

In September 2016, a number of CFMEU officials, including the National Construction CFMEU Secretary, Dave Noonan, received notifications from the FWBC, advising them that they were in breach of the law for attending a rally in support of the workers and in an effort to secure lost wages for them.

In 2014, a number of workers and small business owners in New South Wales were left out of pocket to the tune of an estimated \$30 million as a result of Steve Nolan Constructions going broke. Some of the small businesses were owed as much as \$2 million and some 200 workers were set to lose wages and entitlements as a result of Steve Nolan's failure to pay. Those unpaid workers and businesses who maintain a protest picket would face significant penalties under the ABCC for speaking up in a peaceful and democratic way about being robbed of money for work they've already done.



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APPRENTICESHIPS

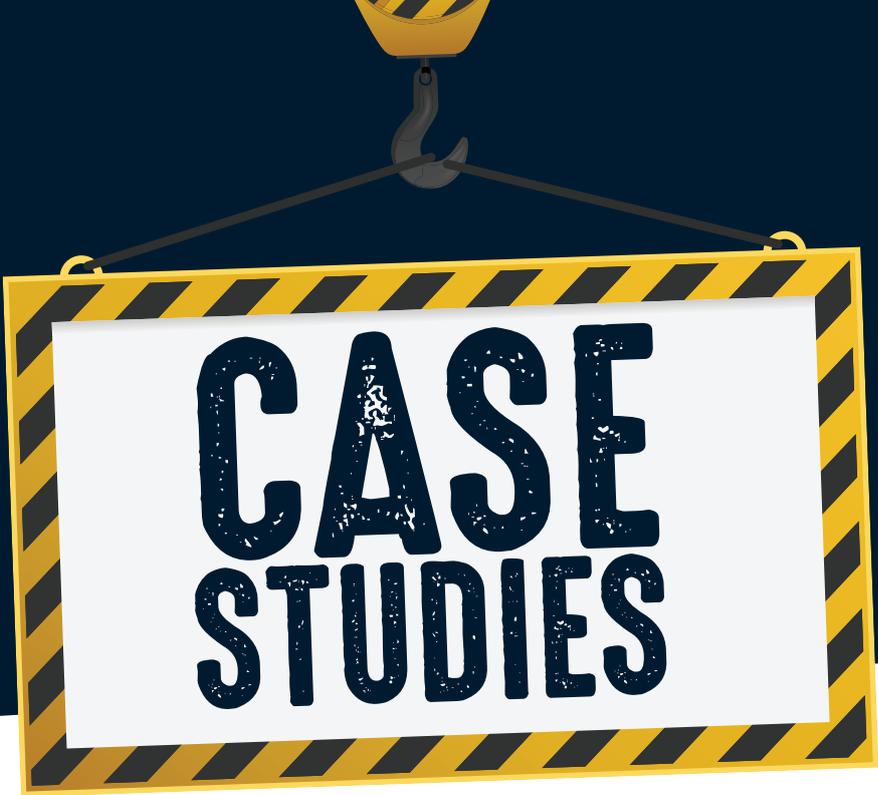
Accompanying the ABCC legislation is a Building Code that applies to construction sites that receive funding from the Government. The Code places severe restrictions on what can be negotiated in enterprise agreements. An example of what would be prohibited under the new Code is any clause which require the employment of a certain number of apprentices in relation to the number of tradespeople employed.

Unions have had a longstanding interest in helping young people find work in the industry in order to maintain a skilled workforce.

In 2007, a 65 year old delegate of the union, Charlie Corbett was prosecuted and fined by the ABCC due to his attempts to get employment for an apprentice on his site in the LaTrobe Valley. The job was a major project worth more than \$37 million. There was an agreement with the union for the employer Hooker Cockram to take on apprentices at the start of the project and half way through it. The company reneged on the agreement.

Mr Corbett had lived in the LaTrobe Valley all his life and knew such opportunities were rare since the old SEC was privatized and 14,000 jobs were lost as a result. The area has experienced crippling unemployment and he saw an opportunity to place a young worker into an apprenticeship on a major project.

In June, it was reported that apprentice numbers have plummeted in Australia with a 20% drop in people taking up apprenticeships. At the same time, leading industry figures are saying we need more skilled workers to meet our growing infrastructure needs. The ABCC will stop unions from being able to negotiate opportunities for young people on major projects.



CASE STUDIES

UNION STICKERS OUTLAWED

Three workers were sacked because of their refusal to remove union stickers from their hard hats – following an audit of the site by the Fair Work Building Commission (FWBC).

The Fair Work Building Commission visited the Ichthys LNG project near Darwin in May 2016 in order to assess compliance with the Building Code. The employer was told a serious breach of the building code had occurred on the site.

In the course of the audit, the FWBC identified that the wearing of stickers on clothing and hardhats by workers was a 'serious breach' of section 15 of the federal building code.

As a result, workers on the site were warned they could be sacked for refusing to remove union stickers from their hard hats.

One worker was warned that if he continued to fail to comply "he will be subject to further disciplinary action, which may ultimately result in the termination of his employment".

Companies risk being ruled ineligible if they are found to be in breach of the code.

Three workers lost their jobs as a result of not removing their stickers.

Under the ABCC in 2007, the Eureka flag was banned from building sites around Australia. The ABCC argued that the flag 'intimidates' people. The ABCC had ordered managers of construction companies in Perth and Adelaide to take down Eureka flags.

In Perth, the ABCC had presented Multiplex with a booklet containing photos of sites where the flags were present.

The ABCC commissioner John Lloyd argued at the time that the ABCC 'draws any activity that is not consistent with the code to site owners' attention.'