



Workers win p3



Stand Tall with Ark p6



Get active on OHS p11



New web launch p12

Hardhat

THE NATIONAL NEWSPAPER OF THE CONSTRUCTION AND GENERAL DIVISION OF THE CONSTRUCTION FORESTRY MINING AND ENERGY UNION SEPT 2009

Bosses ignore industry jobs crisis

There's a crisis looming in Australia's construction industry. Thirty-five thousand workers lost their jobs in the past 12 months and 81,000 jobs could go over the next three years. 6000 apprentice places could be slashed by 2012. Output could decline by 12.1%.

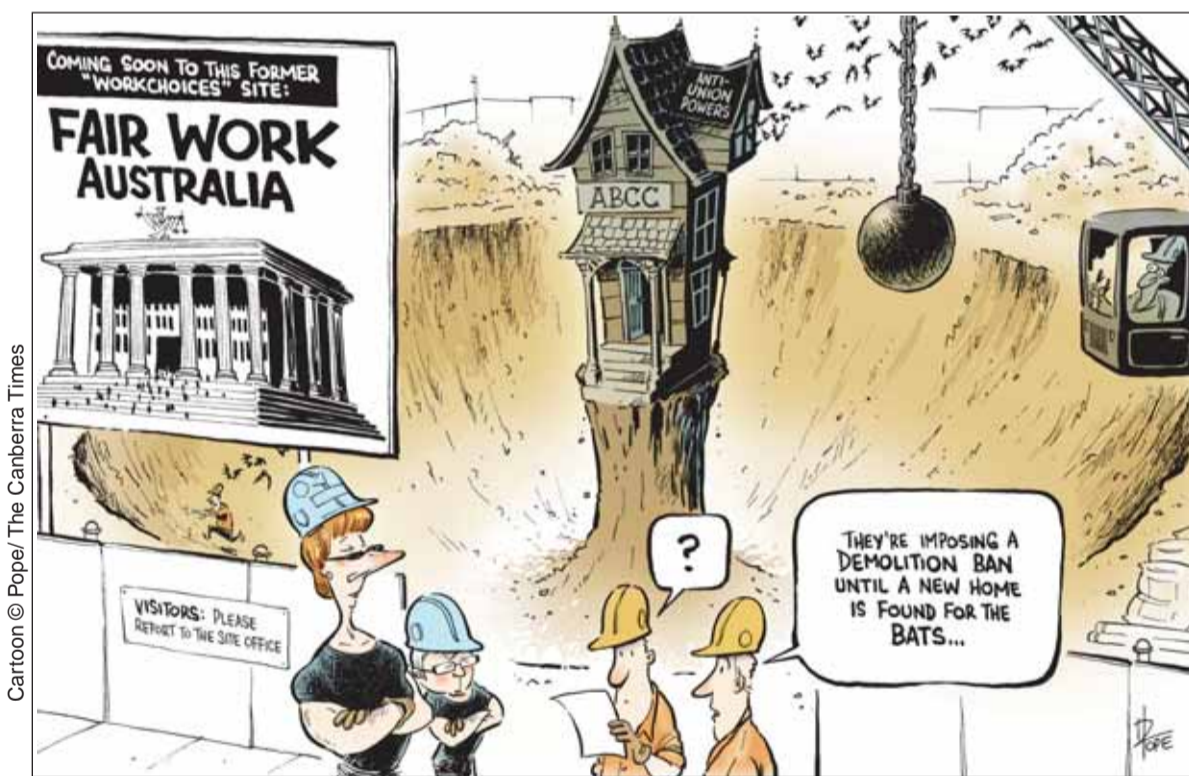
It's all because there is a lack of available credit to fund business investment. The Federal Government guarantee for banks seems to have translated only into huge profits for them.

The CFMEU says this is the critical issue facing our industry. And at this time of crisis, the Rudd Government should be making laws to support investment and jobs, not attacking workers' rights.

The Union calls on the Government to come up with an industry plan to increase investment and protect jobs and apprentice places.

Construction employers should give up their conflict-driven, ideological views once and for all and start working co-operatively with unions and government to address this investment crisis.

This is the message CFMEU



Cartoon © Pope/The Canberra Times

leaders took to the Senate Inquiry into new laws for the industry on August 31.

'There has been a concerted attempt to demonise the construction industry and the people who work in it. It ought to stop and it ought to stop now,' CFMEU Construction National Secretary Dave Noonan told the Senate Committee.

'We need a future in this industry which is based on a real assessment about how we can get on top of the issues around investment, around productivity,

around safety and around providing a decent working future for Australian construction workers, in which we could have some cooperation with their employers.'

No coercive powers

Dave also told the Senate Committee that the Union's 'opposition to coercive powers is fundamental. We are not going to endorse coercive powers in any way, shape or form'.

The CFMEU emphatically rejected the employers'

arguments that construction should still have more restrictions on strikes and heavier penalties than other industries.

'The unions have never opposed a regulator in the industry, but we do oppose an unbalanced regulator with an ideological bias operating under unfair and discriminatory laws,' Dave said.

Proposed laws

The proposed new laws mean construction workers

taking industrial action would face the same penalties as all other workers, under Fair Work Australia laws – not the heavier penalties that now apply.

New Fair Work Building Industry Inspectors would also be required to investigate employers who fail to obey IR laws and pay workers' entitlements – which the ABCC refused to do, even though it had the powers.

But the new Transition to Fair Work laws for construction retain the coercive powers of the ABCC, with some restrictions. Workers remain liable for 6 months' imprisonment if they refuse to answer questions.

The new legislation has yet to be passed by the Senate and it is not clear what amendments will be made to it.

For Ark's sake, ABCC must go

SA rigger Ark Tribe faces court again on October 30 and the prospect of 6 months' imprisonment for allegedly attending a safety meeting and refusing to do in his mates to the ABCC.

That's another pressing reason the ABCC and the coercive powers must go!

Jobs and investment first!

The CFMEU's position regarding the ABCC remains unchanged. Our opposition to coercive powers is fundamental. We are not going to endorse coercive powers in any way, shape or form.

Government legislation has been introduced that abolishes the ABCC but retains many objectionable features including coercive powers (with some safeguards).

It is not clear whether the Bill will get through the Senate, and if so what amendments the Independents or Greens may insist on.

Meanwhile, we still have Howard's construction laws in place, and Ark Tribe faces six months imprisonment for standing up for his rights on site.

Employer groups such as the Master Builders (MBA), who support these laws are ignoring the real problems which confront the industry.

Those are: safety, apprenticeships, and now, more than ever, jobs.

Investment crisis

The union recently asked Access Economics to undertake a study about investment and jobs in the industry.

Access Economics found that 35,000 workers had lost their jobs in construction over the past 12 months. They predict that:

- 81,000 jobs could go over the next 3 years

- 6000 apprenticeships could be slashed by 2012

- Construction output could decline by 12.1%

Rather than spend their energy focussed on retaining Howard's failed legacy of union bashing, the MBA and other employer organisations and government ought to be working on attracting jobs and investment into the industry.

The continual denigration of construction workers by politicians and the MBA does not create one job, one apprenticeship or help attract investment.

They refuse to tell the truth which is that Australia has one of the most productive industries in the world.

Proud to take a lead

At the CFMEU we are proud of our industry and its achievements.

We're not shocked by politicians who know nothing about the industry bagging it for political reasons.

But it's time that the builders and subbies, who the MBA claim to represent, asked why they spend all their time and energy running the Liberal Party's failed and discredited lines, rather than acting in the best interests of the industry.

It's time we started creating a future in this industry that's based on working co-operatively together to deal with the issues around investment, productivity, safety and providing a decent working



'Rather than spending energy on union bashing, employers and government should be working on attracting jobs and investment into the industry.'

future for Australian construction workers.

Conference and website

As this **Hardhat** reaches construction sites, your Branch elected delegates and Union leaders will be sitting down to decide CFMEU policies and actions for the next two years. We will report on those decisions in the November **Hardhat** and on our new national website.

We will also be launching the new website at Conference. It offers a number of new services for members, as well as showcasing our pride in our achievements, as the workers who build this nation.

Many members have generously recorded comments and had their photos taken for this project. As each month goes by, a different selection of voices from those recordings will be up on the front page of the site. Others appear in our Member Benefits, OHS, Training pages. Together, they tell the world what Australian construction is really about.

Members can also keep up to date on safety via our new Safety Zone Alerts and Incident reports. There will be regular news updates from the union and comment from myself.

You can get active in Campaigns; download RDOs, flyers and other work related information on OHS, Training, or Wages. You will also be able to pay you dues and renew your membership via the site.

Website technology will never reduce your Union's face to face contact with its members. It is a resource to help us provide you with better services and to give you an opportunity to tell the world how you value your work and your union.

So go online to our new CFMEU Construction national website today and give us your verdict in the poll at: www.cfmeu.asn.au/construction

CFMEU Construction and General Division

National Office
02. 8524 5800
Secretary: Dave Noonan

ACT Branch
02. 62671599
Secretary:
Sarah Schoonwater

NSW Branch
02. 9749 0400
Secretary:
Andrew Ferguson

NT Sub-Branch
08. 8981 5280
Organiser: Bob Wade

Old C&G Divisional
Branch
07. 3236 2355
Secretary: Michael Ravbar

Old Builders Labour-
ers Divisional Branch
07. 3236 2633
Secretary: Greg Simcoe

SA Branch
08. 8231 5532
Secretary: Martin O'Malley

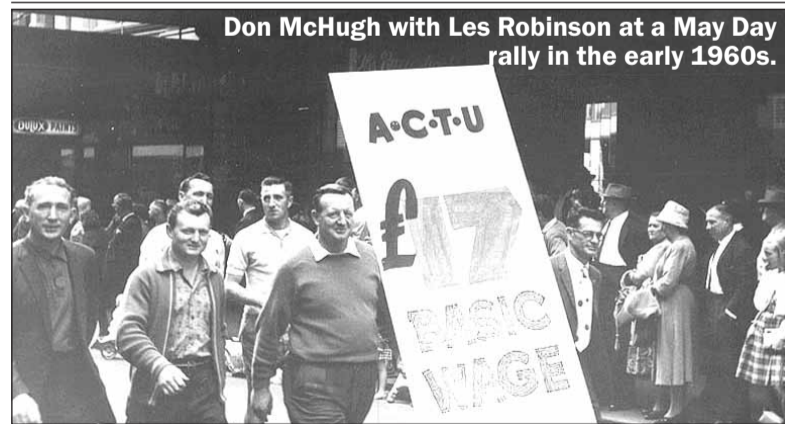
Tasmania Branch
03. 6228 9595
Secretary: Tony Benson

Victoria Branch
03. 9341 3444
Secretary: Martin Kingham

WA Branch
08. 9221 1055
Secretary: Kevin Reynolds

Brick Tile & Pottery
Industry Divisional
Branch
02. 8524 5802
Secretary: Steve Roach

Farewell and thanks



Don McHugh
26 June 1922 to
22 August 2009

Don McHugh was the secretary of the Builders Labourers Federation for two decades during the 60s and 70s and later

worked as an organiser for the BWIU.

He played a major role building the union from a timid collection of poorly paid workers into an industrial and political powerhouse that improved wages, conditions and safety to what we see today. He was a

committed activist with a fierce social conscience and an active member of the Australian Communist Party.

Irish roots

Don was born in Ireland during the Civil War and worked in a shipyard and as a merchant seaman. During World War 2, he was in Belfast during the Easter Tuesday air raid that left over 1000 people dead. His experience during the war left him a convinced pacifist.

After the war, he flew to Australia where he met his wife Eve, with whom he had two children, Ellen and Brian.

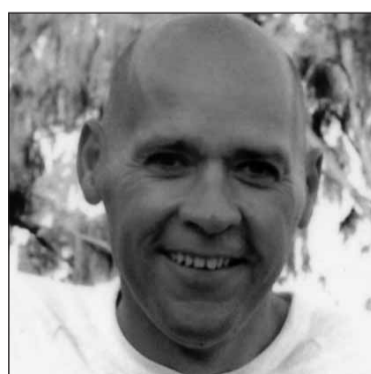
Starting as an elected organiser in 1961, he began to transform

industrial relations in the building industry. He built the union's strength on discipline and unity, which achieved significant and immediate results.

By the time that the BLF was amalgamated with the BWIU, wages for labourers had become unrecognisable from what they were when he started on his journey.

After Don's first wife died, he married Jeanette and had twin daughters, Laura and Margaret.

Upon his retirement, Don moved to Nowra where he became an enthusiastic organic farmer. In his final years he insisted that he had become 'entirely at peace with the whole world.'



Rohan Crotty
8 October 1965 -
17 July 2009

Queensland CFMEU Organiser Rohan Crotty died on July 17. A tribute to Rohan will be printed in the November **Hardhat**.

The CFMEU sends heartfelt condolences, and thanks, to the families of both comrades.

Workers win new rules

The Howard Government used Commonwealth purchasing power to control what happened on construction sites — even to the extent of whether flags could be flown or stickers worn on hats. New Guidelines for the industry are bringing in some changes — CFMEU Senior National Legal Officer Tom Roberts reports:

The Federal Government has recently announced some important changes to the Guidelines attached to the National Code of Practice for the construction industry.

The changes came after a strong campaign by the CFMEU to get rid of the worst aspects of the Guidelines left behind by the Howard Government.

The union argued the Guidelines were out of step with the new Fair Work Act and Labor Party Industrial Relations policy.

The changes are even more important because of the large amount of Federal Government money being poured into the industry as part of the stimulus package.

10 years of anti-union agenda

For more than ten years the Liberal Government had used the Code and Guidelines to push their anti-union agenda by only giving the big Government contracts to companies who took a hard-line approach to restricting union influence on jobs.

This meant we had to take out or change some important clauses in our EBAs because the Government decided they were



'We're here because we're standing up for what we believe in. It's worked in the past. Workers have stood up for what they've believed in, in the past and it's got us to where we are today. Now those things have been taken from us, so we're here to get them back!' - Michael at the meeting to demand the end of the ABCC at the ALP Conference on August 31. More photos from the march to the meeting and inside at: www.rightsonsite.org.au

not 'Code-compliant'.

It also meant the ABCC were going from job to job doing their best to try to de-unionise workplaces, by telling people union flags, stickers or noticeboards were not allowed.

Workers again free to negotiate

Under the new Guidelines the old list of 'non-compliant' clauses has been taken out, freeing up the rights of workers to negotiate over issues like seniority or use of supplementary labour.

Many other obvious anti-union clauses have also been scrapped from the Guidelines. For example, the restriction on delegates performing site inductions has been taken out.

Employers must have clean record

A few positive measures have also been included. Those tendering for Government work should have a clean record on industrial and other matters.

If they have court orders against them — such as for unpaid wages or other entitlements or because they have a poor OHS record, including convictions and fines — this can count against them in the tendering process.

Preference in letting Government contracts may also be given to companies who can show they are serious about taking on apprentices, women or indigenous workers.

No discrimination

Under the new Guidelines

discriminating against union delegates or refusing to hire someone because they are a union member can lead to employers being disqualified from Government jobs.

The ABCC will continue to 'investigate' Code matters, but they no longer have a vote on the Code Monitoring Group, which decides whether a particular issue amounts to a breach of the Code.

The new measures apply to on-site work only and to jobs where there was an expression of interest or tender let on or after 1 August 2009.

To see the new Guidelines go to www.workplace.gov.au and follow the links for the building and construction industry. Contact your Branch for more information.

New rights for bargaining

Some important changes in the new Fair Work laws are already having an effect on bargaining negotiations around the country.

From 1 July this year, once bargaining gets underway, all employers in the federal system are required to tell their workforce *in writing* that they are entitled to be represented in the bargaining process.

For all union members, this means the union is automatically the bargaining representative [unless a worker appoints someone else]. The employer must recognise the union and negotiate in good faith to try to reach an agreement.

Members who have received these notices have been quick to contact the CFMEU to get an organiser involved in bargaining as early as possible.

The new umpire, Fair Work Australia has also refused to approve some EBAs where employers have not properly advised workers of their right to representation during bargaining. This shows the new laws treat workers' right to representation as fundamentally important to the bargaining system.

We have also used the system of 'good faith' bargaining to keep employers honest during negotiations. Attempts to side-step the union or refuse to take part in proper negotiations have been defeated. Even the threat of bargaining orders has been enough to pull a few employers back into line.

Other benefits from the new rules:

- Restrictions on EBA content removed, so industry benefits that were common before can be restored.
- No employer Greenfield agreements. Unions signing Greenfield agreements must cover 50% of workers.
- Expanded access to unfair dismissal remedies.

More info Nov Hardhat

What are you doing on Oct 30?

Spread the word about the ABCC charges against Ark Tribe and his court hearing on October 30 at Adelaide Magistrates Court, Victoria Square, Adelaide.

Join actions in support of Ark outside the court or online.

Stop construction workers being threatened with jail sentences over everyday workplace matters.

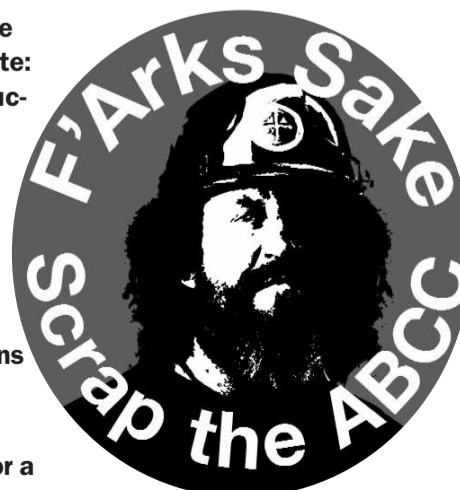
Make sure workers on your site know their rights. Download flyers in English and other languages on how to

deal with the ABCC from the CFMEU Construction website: www.cfemu.asn.au/construction Downloads.

Support Ark by taking a stand on the construction unions' campaign on the website www.rightsonsite.org.au

There are 6 other easy actions you can take — no great computer skills needed.

Get involved today — fight for a fair go for Australian construction workers.



Standing tall with Ark Tribe

Hundreds of construction workers, CFMEU leaders, other union members and community supporters rallied at Elizabeth Magistrates Court in support of Ark Tribe on August 11.

‘There will be huge consequences and a nationwide mobilisation if Ark Tribe is sent to jail over ABCC charges of failing to attend one of their interrogations,’ CFMEU Construction National Secretary Dave Noonan told the rally.

‘Ark is accused of attending a safety meeting and refusing to talk to be an informant against his workmates. He is not accused of thuggery or violence or corruption or any of those sorts of things employers bandy about when they defend the ABCC’s coercive powers.

‘If he is sent to jail for insisting on this right to silence, it will set a terrible precedent for democracy in Australia.’

The court heard that Ark intends to plead not guilty and stand trial. He faces a jail sentence of up to six months or a \$22,000 fine.

A pre-trial hearing has been scheduled for October 30 and



Photo courtesy of SA Unions

Protesting in support of Ark Tribe at the Elizabeth Magistrates Court on August 11..
More photos: www.rightsonsite.org.au Video footage: www.arktribe.org.au

will be held at Adelaide Magistrates Court in Victoria Square Adelaide.

Ned Kelly of our times

‘Ark Tribe is the hero here today,’ CFMEU SA Branch Secretary Martin O’Malley told the rally. ‘He’s being treated like a criminal, like an outlaw. He’s in the same league as Ned Kelly.’

‘These laws are an abomination. If you had laws that discriminate against people

because of their race, religion or gender, people would be up in arms about it,’ one of the other unionists attending the rally said.

‘I work as a carer and am a safety rep myself,’ a supporter said. ‘I think our right to stand up for safety is very important.’

Ark’s son, who also attended the hearing, said he was proud of his Dad.

‘And so he should be,’ Dave Noonan says in a Message about that day at the Magistrates Court

on our new website. ‘I’m proud of him too and so are thousands of Australian construction workers.’

To see **video footage** of the August 11 rally at Elizabeth Magistrates Court go to **www.arktribe.org.au**

To read Dave Noonan’s blog go to: **www.cfmeu.asn.au/construction** **Message from Dave Noonan— Archive.**

Join actions to support Ark!

Court slams ABCC again

The ABCC has again been criticised by a Federal Magistrate for promoting misleading information on right of entry and taking ‘diametrically opposite’ positions on the matter.

The ABCC was seeking penalties against the Igon Pty Ltd for barring union right of entry to the Convention Centre site, after officials declined to produce details of an alleged safety breach..

A few months earlier they had told the same contractor details were required, as in the ABCC Fact Sheets!

The Court said the ABCC’s Fact Sheets suggested there was a requirement to provide details of OHS breaches, ‘where there was no formal, statutory requirement to do so’.

However, permit holders are still required to not to act in an ‘improper manner’ in seeking entry to sites. And not providing ‘simple, common sense details’ could result in a breach of s767(1) — now s500— of the *Fair Work Act*.

From 1984 until now, it’s always been the two of

cbus

For 25 years, we’ve looked after the superannuation needs of our members by:

- investing back into the industry
- keeping fees low and paying no commissions to financial advisers
- being an expert in superannuation
- being run only to benefit you – our members.

Cbus. Working for you and your industry.

Call **1300 361 784** or visit **www.cbussuper.com.au**



Steven Saunders
Member since 1999

General Advice Warning. This information is about Cbus. It doesn’t take into account your specific needs, so you should look at your own financial position, objectives and requirements before making any financial decisions. Read the Cbus Product Disclosure Statement to decide whether Cbus is right for you. Contact 1300 361 784 or www.cbussuper.com.au for a copy. Cbus’ Trustee is United Super Pty Ltd ABN 46 006 261 623 AFSL 233792 Cbus ABN 75 493 363 262

Our Job: Bluewaters Power Station WA



It was a wet and windy August day when Hardhat visited Griffin Energy's \$400 million Bluewaters Power Station, just four kilometres east of Collie, in Western Australia's south west.

The project was also entering its final stage. The second of the two 208MW coal-fired power stations was near completion. All the talk was of redundancy packages and where everyone was going for their next job.

Around 200 CFMEU members remained on the Bluewaters Power Station project in August, out of a workforce that once peaked at 1200. They were mostly riggers, scaffolders and painters.

The project has been a huge boost for the town of Collie, ensuring the long-term viability of coal mining in the region. Before its arrival Collie was in jeopardy. Now it is sitting at the centre of a mini-boom.

Griffin Energy plans two further 208MW coal-fired power stations at the nearby Coolangatta Industrial Estate, plus a coal carbonising plant at one of their mines at Collie.

Their coal-fired power stations use the latest technology to reduce carbon emissions and they are

interested in carbon capture for the Bluewaters expansion.

Following the work

In the meantime, many of the Bluewaters 2 workers were headed to BHP's US\$ 2.21 billion, Worsley Alumina Refinery expansion project nearby.

There is also the \$955 million Desalination Plant at Binningup, near Bunbury and Leighton's \$300m Bonnington Dam project.

Next year, there's the option of Perdaman's A\$3.5 billion Collie Urea Project – which will transform sub-bituminous coal into the fertiliser, urea, using emissions coal gas technology.

For the painters, scaffolders, forklift drivers and peggys **Hardhat** met, Bluewaters has been a good job.

It was rough in the beginning, when local workers were left waiting three months to get a start, while others were being brought

in by the contractor HBT from similar projects interstate. But many of those interstaters are now putting down roots in the area.

'I've settled in and got some good mates here now,' Matt told **Hardhat**. He'd worked for the contractor on power stations in Queensland and saw the job as an opportunity to see WA. He'd brought his partner over and was enjoying the 'best of both worlds' with bush and beach on his doorstep.

'It's also booming over here, where there's not much happening over east. I've got applications in for a few other jobs around here,' Matt said.

CFMEU delegate Clinton, from Australind, west of Collie, has had a good 10 years constructing refineries in the area. He likes the gap between jobs as a chance to take a longer holiday.

'You work hard for a couple of years and when the jobs is

finished, you can go overseas or round Australia. With the union behind you on these jobs, you also get a lot of benefits at the end and have time to look around for another job,' Clinton said.

He plans to pick up advanced rigging tickets at the CFMEU's training centre in Perth this year. Thanks to a bonus scheme negotiated as part of his union EBA, that training costs him nothing either.

Natalie also appreciated the opportunity to get training at the WA CSTC when the job finished. A wool classer in the shearing industry from Deniliquin in NSW, she'd 'followed the work to get ahead in life' and worked as a peggy at Bluewaters.

Now she's keen to upskill as a trade assistant or painter. She's already got a heavy rigid truck drivers licence and front loader licence, 'So I could always apply for those kinds of jobs too.'

As a first experience of the construction industry, Natalie found the guys at Bluewaters really good to work with. She also noticed how the union was more involved; giving workers a lot of feedback on what was going on. 'Always only a phonecall away.'

- 1A. Painters and peggys at Bluewaters 2.
- 1B. Safe and Sound scaffolders with OHS Officer Mal Peters.
2. The two 208MW Bluewaters power stations near Collie.
3. Advanced rigger Geoff.
4. Hoist driver Greg.
5. Painters Moana & Bella.
6. Scaffolder Sammie Joe and her grandfather RT Hodge.
7. Peggys Natalie & Marie.
8. Forklift driver Barry.
9. Painter and CFMEU delegate Clinton.
10. Coal feed to turbines.
11. 'Here's what we're up to in WA' — Joshua, Adrian and Matt want to tell their mates in Qld.
12. Steve, Wayne & Peter.



To download photos from the Bluewaters 2 job, or hear more of their comments go to the CFMEU new website: www.cfmeu.asn.au/construction and follow links to Your Union/Photo Galleries - Our Job.

STAND TALL with ARK TRIBE Facing 6 months' jail



Workers can be jailed for a maximum of 6 months under the Building & Construction Industry Improvement Act.



Ark's Tribe 'Stand Tall' Anthem

*Come gather round and listen
To the thunder rolling in,
'Cos the rich are trying to break us
And we're not gonna let them win.
Well they tried it on the wharfies
With scabs and thugs and lost,
So how to break the building sites
Where workers won't be bossed?*

*"We own the law, we own the courts
And that's the key to their defeat"
We'll give the workers six months jail
For every time they meet!"*

*The workers met on safety
And Ark Tribe led the way
So Gillard's thugs decided
That he would have to pay.
'If your name it is Ark Tribe
Come to our interrogation -
You'll have to do your mates in:
That's the way we run this nation!"*

*"Oh my name it is Ark Tribe
And I ain't gonna talk to you.
My freedom flies with the Southern Cross
And there's nothing you can do."*

*"If there's anything I've done wrong
I'll take your jail, that's fine!
But killing fifty men a year
Is the bosses' crime, not mine!"
'As for your Liberal and your Labor,
To me they look the same
With Howard's rotten laws served up
In Julia Gillard's name."*

*"Well, I'd a-riden with Ned Kelly
I'd a fought with bold Ben Hall,
'Cos it was wild colonial boys like these
Who taught us to stand tall."*

*Well, if Ark Tribe's put in prison
By their "tough cop on the beat",
The wild colonial boys and girls
Must get out in the street.
And we must ride with Edward Kelly,
We must fight with bold Ben Hall
'Cos it was wild colonial boys like these
Who taught us to stand tall!*

*Lyrics by Mike Williss. Performed by Peter Hicks.
To download the song go to -
[www. ArksTribe.org.au](http://www.ArksTribe.org.au)*

SUPPORT ARK ON OCTOBER 30 One law for all workers!



More information on actions & court location, from www.rightsonsite.org.au
or call your local Union office.



Safety. Security. Support. Make sure you're paid up and proud.

www.cfmeu.asn.au/construction



AusAID ignores victims of Burmese military war crimes

The Australian Government has pledged to support a global arms embargo against the Burmese military regime. It supports a push for a UN Commission of Inquiry into War Crimes and Crimes against Humanity in Burma. But when it comes to spending its aid dollars, the Government refuses to help the people who are suffering and dying from the regime's war crimes.

In 2009, the Australian Government aid agency, AusAID, will donate \$29 million to Burma; but only \$1 million of that aid will go to displaced people on the Thai Burma border.

AusAID says this is proportionate to the numbers of people inside the country and those on the border. But Union Aid Abroad APHEDA questions whether the \$28 million donated to Burma is actually reaching people needing assistance within the country.

Meanwhile, the 2 million people displaced from the regime's war on its civilians are being deprived of much need assistance on the eastern border.



Challenging Australian Government to direct aid to Burmese border programs. Dr Vit Suwanvanichkij from John Hopkins University, Dr Cynthia Maung from Mao Tao Clinic and Charm Tong, Shan Women's Action Network.

'Kind words won't stop suffering'

In August, a delegation of prominent medical and human rights activists from the Thai Burma border were in Australia to talk the Government about its allocation of aid.

They met with Bob McMullan, Parliamentary Secretary for International Development Assistance, AusAID and senior government officials.

'Mr McMullan appeared sympathetic to the dire needs of the internally displaced in

eastern Burma,' Dr Cynthia Maung said after their meetings. 'But AusAID has already prioritized aid through Rangoon for 2009-10. Mr McMullan's kind words won't help or stop the suffering for thousands of our people. AusAID money will be going to where it cannot reach any of Burma's most vulnerable people.'

War on its civilians

The delegation outlined how the Burmese regime's continuing war on the villagers in the eastern states was having a devastating effect on the health and well being of those people.

'In the past three weeks since July, over 10,000 people in Shan State were forced to move from their villages at gunpoint,' Charm Tong said. 'The troops set 500 houses on fire.'

When they've burnt a certain number, they'll report to their superiors asking if that's enough or if they want them to burn more. In August, a woman was raped, another had her throat cut and another shot for trying to protect their houses.

'We cannot understand why Australia's aid policy is not more in line with its support of human rights and democracy in Burma. It does not add up,' she added.

Value for money

'Aid is blocked from Rangoon to these communities in the eastern States,' Dr Vit Suwanvanichkij said. 'They

are only accessible across the border from countries like Thailand. Community organisations are their only source of health care.'

But providing aid through community organisations is also low-cost, direct and builds capacity within those communities to look after themselves – which is important for the future development of Burma, Dr Suwanvanichkij says.

Other countries have recognised this. But there remains a huge shortfall in funding. For example, in 2009 the Backpack Health Worker Program has so far not managed to raise even half of its \$1.1 million needs. The program provides medical care and community health education to over 160,000 people in Eastern Burma.

Join the union campaign

Union Aid Abroad APHEDA is supporting the campaign to question the Australian Government and AusAID about their funding program to Burma and to ask them to allow agencies like APHEDA and its border based partners to use AusAID funding to reach these communities desperate for aid.

Join the campaign to have AusAID's policy revised to include cross border aid, so that communities living in conflict zones and internally displaced people can be assisted with essential aid. **Go to: www.apheda.org.au/campaigns/burma_campaign/ or phone: (02) 9264 9343.**



Download copies of the NSW Branch booklet with tips for migrants in English, Chinese, Korean and Farsi. www.cfmeu-construction-nsw.com.au/ Leaflets

Not really 'market rates'

September 14 should have been a great day for exploited 457 visa guest workers, with the Government announcing the introduction of 'market rates'.

However, CFMEU National Secretary John Sutton says the new arrangement is miss-named and more accurately described as a system of workplace or site rates.

'Whatever an employer pays in a particular company is the applicable rate. This is a scheme that will reward "bottom-feeders" who pay the lowest rates,' John says.

Employers paying low rates, who are unable to find local workers, will be able to say they can't afford higher rates and use guest workers.

Guest workers currently employed have to wait until January 1, 2010 for any pay increase.

New employment rules

Under the new rules, guest workers granted visas from September 14 are now responsible for their own health insurance. Employers have to pay travel costs for guest workers going home, but the guest worker must request this in writing. Make sure to keep a copy of the letter, to prove the request.

Employers are specifically required to employ guest workers in their trade and the use of ABNs for guest workers was and is illegal.

Employers now cannot charge guest workers for any costs related to obtaining a 457 visa including migration agents' fees. In addition, it has always been illegal for employers to keep guest worker's passports.

Employers who break any of the new rules can be fined up to \$33,000 or given an on-the-spot fine of up to \$6600.

Any guest worker who wants more advice should contact the CFMEU DIAC Outreach Officer Fiona Clarke on 0466 150 018.

More info on workers' rights, see *New to Australia?* www.cfmeu.asn.au/construction



INDUSTRY SUPERANNUATION PROPERTY TRUST

ISPT is proud to be owned by Industry Superannuation Funds.

We are committed to be an innovative, top performing, low cost, not for self profit, investor owned property investment business.

Industry Superannuation Property Trust
Level 13, 114 William Street, Melbourne 3000
Tel: (03) 8601 6666 Fax: (03) 8601 6667
Website: www.ispt.net.au

Govt report backs wage increase for Bricklaying Apprentices

The report funded by the Australian Government's industry training strategies program administered by the Department of Education, Employment and Workplace Relations (DEEWR) was released in July 2009.

The report was compiled by the ALTEGIS group and managed by the Construction and Property Services Industry Skills Council (CPSISC).

The report points out that there are over 26,000 bricklayers and blocklayers across Australia although 55% of these workers have no formal qualifications.

The report then goes on to identify drivers and barriers and makes 14 recommendations. These recommendations are:

1. Promoting to apprenticeship drivers - e.g. working outdoors; pathways into building; other career paths; examples of the craft and self employment prospects.

2. Targeting key influences - e.g. bricklayers themselves; registered training organisations (RTOs) and parents.

3. Apprentice awareness of entitlements - this may involve developing an easy to understand state based information source for apprentices.

4. Selection guidance – the development of a robust selection criteria and process to inform apprentices and employers about the attributes of succeeding in the trade.

5. Support for career advisors – which includes comprehensive resource material for potential apprentices.

6. Review the pre-apprenticeship model.

7. **INCREASE FIRST YEAR APPRENTICE WAGES.**

8. Case management – development of training and assessment systems



and resources that facilitate case management.

9. Support the employer as a trainer – develop training advice for employers to point out best practice management of the on-the-job training component for apprentices.

10. Communication with employers – RTOs to develop robust communication processes with employers.

11. National Bricklayer

'Poignant throughout the report is the barrier of low wages. Feedback contradicts the long held misconception that most apprentices are a high cost to the host employer.'

Teachers' Advisory Group – to assist in training package development.

12. Mature aged training – RTOs to develop specific delivery modules for mature aged students.

13. Post trade training structure – to develop post trade training in pathways to building, business skills and master craftsman/artisan level of skill.

14. Licensing of contractors – states should see proof of qualifications before issuing business registration for bricklayers.

The report's conclusion includes highlighting the issue of wages: 'Especially poignant

throughout the report is the barrier of low apprenticeship wages, especially in the first year of training. Feedback contradicts the long held misconception that most apprentices are a high cost to the host employer'.

This is an issue the CFMEU has been pushing for years.

Perhaps this report will help employers realise we are not the only ones who realise apprentice wages are too low.

We will continue our campaign for better apprentice wages right across the board.

Download the CFMEU's 10 Point Plan for Apprentices - www.cfmeu.asn.au/construction

NEW! all you want to know about — www.cfmeu.asn.au/training

The CFMEU Construction national website offers you a new one-stop shop for training:

- Listen to the stories of apprentices and experienced workers who are upskilling.
- Get your questions answered on our 'Frequently Asked Questions' page.
- Learn about CFMEU support programs for

apprentices or trainees, including scholarships in some Branches.

- Follow direct links to all the CFMEU Training Schools for information

about courses available.

Take the effort out of searching. Just go to www.cfmeu.asn.au/training - for all your CFMEU training information.



Apprentices Nuno, Chris, Tim and Steven all benefit from the CFMEU Qld Apprentice Scholarship scheme.



Follow links to all the CFMEU training centres. Above: Bricklaying apprentice, Nai Pon Hian at CITEA in Canberra. John gets a crane operator ticket at CSTC in WA.



'The union ensures the future is bright for young people like me,' Justin

Poster Competition winners



CFMEU NSW Organiser Rebel Hanlon challenged his members to display posters from Hardhat in their sheds to go into a competition for a slab of beer. The clear winners were the Southside steelfixers from the Bovis Lend Lease job in George Street. Pictured here with a visiting delegation from Korea.

Thiess workers say THANKS

Four workers sacked by Thiess Services from the soil decontamination project at Rhodes in Sydney want to send a huge thanks to all who supported their fight for justice.

After several weeks of community protest during June and July, the matter was resolved with a confidential settlement.

Support from other

construction workers in Sydney, weekly community protests at the Rhodes site and all the emails and phonecalls to Thiess from church members, MPs and other unionists were of great assistance. So thanks to all who turned up and helped.

For news and union campaigns from NSW - check out CFMEU NSW Branch's new website: www.cfmeu-construction-nsw.com.au/

Union retrieves back-pay for Irish working holiday members

There was no luck involved when the CFMEU NSW Branch successfully recovered \$110,000 in missing payments for 17 Irish workers.

The lads, who are on working holidays, were forced to take out Australian Business Numbers (ABNs) to work for the company Commercial Aluminium Cladding.

They contacted the union after not being paid for six weeks on Watpac's University of NSW site.

'Some of them had recovered money through the union on other jobs, so they came to us,' said Organiser Martyn Wyer.

'As they were union members, we managed to ensure these boys were paid.'

CFMEU Assistant Secretary Malcolm Tulloch said the case highlights the wide-spread abuse of the ABN system.

'It defies logic that people here on working holidays are told to set up a business so they can work,' Mal said.



More reasons to be a union member: some of the Irish backpackers who got back wages owed, with NSW Branch Organiser Ashley Munyard and Assistant Secretary Mal Tulloch, centre.

'It is just a way for unscrupulous companies to avoid tax obligations, as well as undermine all the things workers in this country have fought for – such as minimum rates of pay, job-security, sick leave, holidays and superannuation.'

'It's legitimising cash-in-hand employment, except in too many cases there isn't any cash.'

In August, Sydney's Sun Herald reported the cases of two Chinese workers who had gone without pay for five weeks.

Mal said it was a situation the government needed to address as quickly as possible.

'The Rudd Government promised to bury Work Choices, but while the abuse of ABNs is allowed to continue, Work Choices is well and truly alive.'

Free-loaders Not Wanted

'Are You a Freeloader?' That is the blunt question asked by a poster popping up around the country's building sites.

The Victorian Branch came up with the idea to dissuade people from pocketing benefits like site allowances and redundancy, without paying their way. The poster calls on CFMEU members to 'Check and make sure that you are not working with a freeloader.'

'There is no law against asking if someone's in the union,' says Vic Branch Secretary Bill Oliver. 'And nothing the ABCC or anyone else tries to put about can change that.'

'Shop stewards — and in fact all members — shouldn't back off encouraging everyone on their site to be in the union.'

The Victorian Branch's membership department has noted a definite upswing in new applications and people fixing up their dues since the push began.

Know Your History

The poster also calls on building workers to 'Respect the people who sacrificed so much in fighting for the conditions that you enjoy.'

These conditions were not handed out by the bosses.

'We need to help some of the younger workers understand about unionism and what they will lose if they're not organised,' says Bill.

The 'Freeloaders – Not Wanted' concept is catching on and the poster is being reprinted by other Branches around the country.

Best wishes for retirement!



DARYL KERR was celebrating 28 years as an organiser with the Queensland BLF Branch, when Hardhat caught up with him on September 18. But sadly it's now time to 'give it away', he says, as a knee replacement a few years ago, makes it harder to deal with ladders and decks on high rises.

Daryl worked for 17 years as the central Qld organiser, where he did 5000 kilometres a week, living out of a suitcase. 'But it was a lot of fun,' he quips. 'I enjoyed the job, even though I've had guns pulled on me, been threatened with being

thrown off a building, my car smashed up and been bashed by a project manager!'

He also has any many wins as stories, including \$18,000 for one worker, and \$250,000 for a group of workers employed by one of our least favourite national employers.

BLFQ Secretary Greg Simcoe says 'Daryl had a great empathy with members and never wavered on union principles. The Union relies on people with his integrity. He deserves the best quality of life in retirement. He will be greatly missed here.'



LONG-TERM TASMANIAN CFMEU member, **Gilbet Payne** has been a crane driver in the industry since 1972 or '73. He's now about to retire and looking forward to a spot of fishing around Adventure Bay, which he figures is the best thing about Hobart.

Gilbet says he got into driving 30-70 tonne mobile cranes, mainly because the money was better. He's worked for two companies, Hazell Brothers and Highrig Cranes and managed to never be out of work – which is a feat in itself in Tasmania.

The CFMEU also wishes him well in his retirement.

Forced to improve safety

John Holland Rail Pty Ltd has had to commit to 'enforceable undertakings', following a Comcare investigation of alleged safety breaches.

'Enforceable undertakings' mean the company has to enforce a safety standard that's higher than minimum compliance with safety legislation.

Comcare said John Holland Rail Pty Ltd breached s16 of the Commonwealth OHS Act 1991 in failing to ensure an apprentice boilermaker had received adequate training, supervision and instruction.

The apprentice received crush injuries to his left index finger at the company's WA rail site.

To view John Holland's undertaking go to CFMEU Construction national website Downloads: www.cfmeu.asn.au/construction



National Day of Action starts fight for better OHS laws

The 31st August/1st September saw rallies and meetings in most states of the country.

These rallies called on the ALP state and federal governments to negotiate with the ACTU and significantly improve the draft national model OH&S.

Negotiation began on 9th September and at that meeting the governments indicated they would back off plans to:

- let bosses dictate when and how representatives receive training
- prevent representatives being proactive on safety issues, and
- make it easier for an OH&S representative to be disqualified at the request of the employer.

These changes are welcome but there is a long way to go yet and the governments have not indicated any movement on the key issues of:

- unions' right to initiate prosecution
- onus of proof
- right of entry
- employers obligation to consult

- risk assessment, and
- tripartite representation.

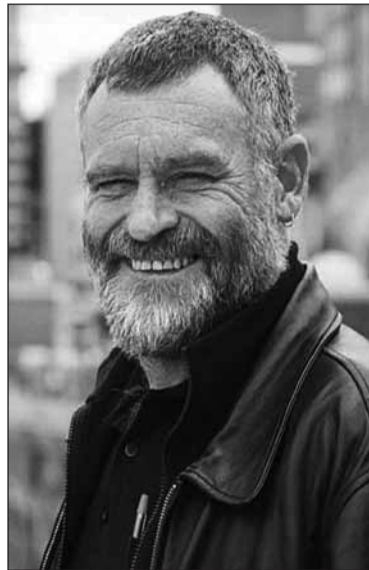
The ACTU launched radio ads on the issue and have activated the Your Rights at Work Network in a bid to pressure the governments. However, industrial pressure is needed to convince the governments to change their minds.

The CFMEU is keen to get involved but it is important that all unions and the ACTU get involved and quickly. No single union can win this fight on their own and it's a fight that has to be won to protect and improve the health and safety of workers into the future.

James Hardie up to its old tricks.

James Hardie — the company that skipped the country to escape its compensation obligations to thousands of Australians suffering from asbestos diseases — has shown once again that they will use any trick to avoid their responsibilities.

Hardies is launching legal action against Ipswich Council in Queensland to recoup compensation that Hardies paid to workers suffering from asbestosis.



Hardies are claiming the council was negligent in the 1970s in failing to protect their employees from harmful asbestos based building materials manufactured by James Hardie Asbestos.

I seem to recall in the 70s Hardies and others claiming that their products were safe and white asbestos chrysotile was harmless.

The company doesn't seem to have learnt from recent events.

ABCC effect on OH&S

Kelvin Thomson, federal member for Wills made the following comment during the Second Reading Speech on BCII

'The lack of action to reduce workplace deaths and improve health and safety on construction sites was a damning indictment of the Building and Construction Industry Improvement Act and of the ABCC.' Kelvin Thomson, federal MP for Wills

Amendment (Transition to Fair Work) Bill 2009 on Thursday August 13, 2009:

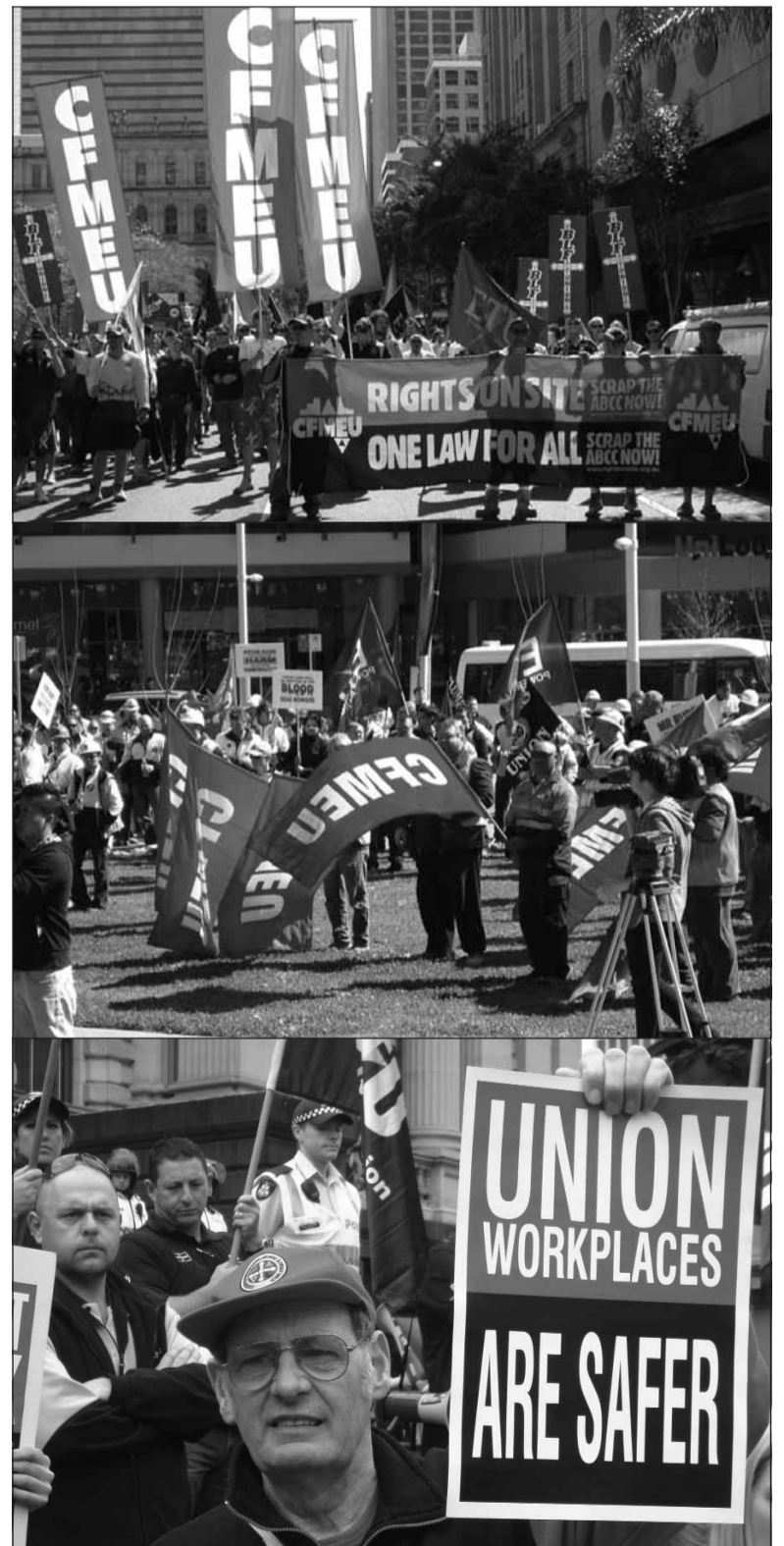
'Since the introduction of the Building and Construction Industry Improvement Act, safety in the industry has deteriorated, with deaths having increased from 19 in 2004-05 to 40 in 2007-08.

'The lack of action to reduce workplace deaths and improve health and safety on construction sites was a

damning indictment of the Building and Construction Industry Improvement Act and of the ABCC.

'There can be no case for allowing deterioration in safety standards in the industry. The focus should be on lifting the standard of employer duty of care to ensure that workers' health and safety is protected. The ABCC failed to adequately deal with employers who broke the law or cut corners on safety.'

Safety rallies in Brisbane, Canberra and Melbourne.

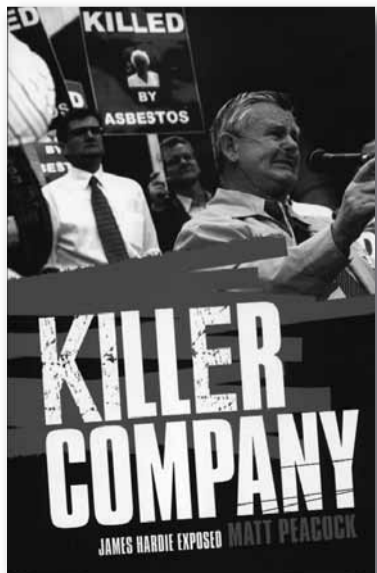


TAKE ACTION tell our governments Don't risk 2nd rate safety:
<http://www.rightsatwork.com.au/campaigns/donrisk2ndratesafety/>

'Every Australian aged 15-up needs to read this book and do all we can to ensure we don't become sick ourselves and that the community at large is not affected.'

Karen Banton said Bernie would have been proud to stand beside Matt Peacock at the launch of his book, 'Killer Company - James Hardie Exposed'.

'Matt's book is a compelling read. It's a fascinating



story and should be on every coffee table in Australia.'

ABC journalist Matt Peacock has warned of the dangers of asbestos for Australian workers since making an award winning radio program on it in 1977. His book is a detailed exposé of how James Hardie ignored those dangers for more than 20 years and silenced its own workers, some union leaders and health authorities.

It is a personal tale, as Matt brings to life the experiences of workers who spoke to him or describes the horror of exposures — for example, a dirt road turned white with asbestos dust at the Aboriginal settlement of Balyulgil.

And it is an invaluable record of the campaign led by Bernie Banton and the unions

to force James Hardie to provide a fully funded compensation scheme to people who contract asbestos related diseases from its products.

But as concerns are raised again about the Foundation running out of money in two years' time, Matt Peacock warned: 'A leopard doesn't change its spots. We should never take an eye off this company. James Hardie needs to do a lot more to be trusted. Watch this space.'

On September 11, Kevin Rudd launched the 'Bernie Banton Foundation' which will support asbestos sufferers, their carers and loved ones. 'It will continue to be a voice and carry on Bernie's legacy of lobbying and advocacy,' Karen Banton said.

For regular reports on OHS incidents and alerts, check out our new SAFETY ZONE  at www.cfmeu.asn.au/construction

ACROSS THE NATION

UNITED ONLINE

CFMEU NATIONAL WEBSITE LAUNCH 12 OCT 2009

Just as you're proud to build this nation, we're proud to have built a new website that tells the world about the great work Australian construction workers do.

Hear from other CFMEU members about their pride in their job and the issues you all face every day in one of Australia's toughest industries. You can also:

- ▶ Keep up to date on safety via our Safety Zone
- ▶ Get active in campaigns for better work conditions
- ▶ Download RDOs and other info you need for your job
- ▶ Pay your dues – and even get your mates to join.



www.cfmeu.asn.au/construction



The website will be launched at the CFMEU Construction and General National Conference on Monday 12 October.

Can't wait for the launch?

Take a sneak peak from Wednesday 30 September.

Dave Noonan, National Secretary,
CFMEU Construction and General Division

CFMEU
CONSTRUCTION
AND GENERAL

