

Hardhat EXPRESS

CFMEU
CONSTRUCTION
AND GENERAL



ISSUE 08 / April '11

THE NATIONAL NEWSLETTER OF THE CONSTRUCTION AND GENERAL DIVISION OF THE CONSTRUCTION FORESTRY MINING AND ENERGY UNION.

STOP Sham Contracting in construction



Your Union has launched a new offensive against sham contracting, in a bid to STOP the *Race to the Bottom* in wages and conditions for construction workers.

Workers have taken action in support of mates being ripped off by shams in WA and QLD. Elsewhere across the country, CFMEU audits have uncovered outrageous scams on big-name-contractors' projects as well as smaller sites. (See stories page 3)

Your Union says sham contracting only benefits employers out to make a fast buck from the industry.

It leaves workers without paid annual leave, sick leave and redundancy. It attempts to shift the cost of workers' compensation and superannuation on to workers themselves. As a result, many workers can face extra obstacles if they are injured and have to rely on state pensions when they retire.

The CFMEU estimates that there are between **92,000 and 168,000** sham contracts in our industry (and that may be a conservative figure). There's also evidence that the numbers are growing rapidly since 2008.

Bosses who force employees to work as contractors don't train. This also jeopardises safety on jobs.

CFMEU plan to stop the rot

Your Union is demanding the Federal Government STOPS the SHAM at source.

The Fair Work laws have to be changed to make employers liable for setting up sham contracting arrangements. They shouldn't be able to get away with claiming they didn't know it was illegal.

Tax rules have to be made fair, so two workers doing the same work in the same conditions, pay the same tax.

The CFMEU will continue to expose sham contracting on construction sites. The Union will stand up for workers who are pushed on to sham contracts and fight for their entitlements.

We insist that builders, developers and governments weed out sham contracts at the tender stage. We demand that financiers not back projects with sham contracting.

Join the Campaign

CFMEU members also have a role to play. Know your rights to work as an employee. Don't be forced to take out an ABN or work on a sham contract.

Call your local CFMEU to get involved.

FOR MORE / GO TO

[www.cfmeu.asn.au/
campaigns Stop the Sham](http://www.cfmeu.asn.au/campaigns/Stop%20the%20Sham)

INSIDE

Holding an ABN doesn't make you a legitimate contractor page 2

Ark Tribe says 'Thanks CFMEU'



SA rigger Ark Tribe's courageous stand against the ABCC was recognised by Australian unions, at the ACTU Awards ceremony on March 9.

"At great personal cost, Ark stood up for what he believed was right for himself and his workmates," said ACTU President Ged Kearney.

Receiving the Award on behalf of all rank and file members, Ark thanked the CFMEU for its support.

He said Secretaries Dave Noonan and Martin O'Malley were "magnificent. They looked after me very well.

"Throughout this ordeal, I saw the Australian traditions of watching your back, and not dobbing on your mates, first hand. And that will live with me forever," Ark said.

Congratulating him, CFMEU members have thanked Ark for representing them in this struggle. "It was a hard won victory, but you stuck with it very well."

A worker wrote from the UK: "There is no trophy or medal big enough to give you to reflect your courage. Thank you from England and from the heart."

Read other messages to Ark. Watch him receiving the ACTU Award on CFMEU's YouTube Channel.

FOR MORE / GO TO

www.cfmeu.asn.au/news/archive

How do I know if I'm on a sham contract?

The CFMEU has produced the booklet, **Slam the Sham** (pic opposite), to help construction workers understand the problem of Sham Contracting.

The **Slam the Sham** booklet is written in 8 languages as well as English and has tips to help you work out if your employment arrangement is legitimate and what to do if it's not.

If you are on a sham contract, you should speak up, because you and your employer may be **breaking the law**.

Flyers in each of the languages are also available at all CFMEU Branches or can be downloaded from our website.

FOR MORE / GO TO

[www.cfmeu.asn.au/campaigns/Stop the Sham](http://www.cfmeu.asn.au/campaigns/Stop%20the%20Sham)



“The CFMEU stands up for workers pushed on to sham contracts.”



Tower Crane Jib Failure

About 500 workers on the site of Perth's second-tallest building, C2, had to be evacuated on March 11, when the jib of a Potain MR615 tower crane was discovered to be developing a weld failure at its base.

The MR615 is a luffing tower crane with 32 tonne capacity. It was configured to lift 16 tonnes on the C2 project on St Georges Terrace in central Perth.

The crane was operating 52 floors above the ground when the weld failure was detected during the routine weekly inspection. The crane had been scheduled for a maximum capacity lift that day. Had the crane engaged in that lift, there was potential for catastrophic failure.

The incident highlights the critical importance of weekly inspections.

If a relatively new tower crane, manufactured by reputable supplier, can be found to have dangerous faults, how great are

the potential risks with older cranes!

CFMEU WA Secretary Kevin Reynolds said some tower cranes in WA were over 10 years old, which increases the potential for wear and tear problems.

The CFMEU called for an immediate inspection of all tower cranes and enforcement of the daily inspections regime by the operator, with a thorough weekly inspection.

WA Branch OH&S officer Mick Buchan and C2 site delegate Cam McCullough are working with Brookfield Multiplex to resolve the Potain MR615 problem, including meeting with Potain engineers flown in from France and independent engineer Egon Metzner, who is regarded as an expert on tower cranes.

The outcome of these investigations will be posted on our website Safety Zone, when it is available. Operators with concerns about their cranes should contact their CFMEU Branch.

SAFETY ZONE

Crane hoist company fined over Luke Murrie death

A Malaga, WA, crane and hoist company and two of its directors have been fined a total of \$180,000 over the death of 22-year-old CFMEU WA member, Luke Murrie in October 2007. Luke suffered a fatal head injury, after being struck by a 375kg section of crane mast that fell out of a pack being moved by a crane.

FOR MORE / GO TO

www.cfmeu.asn.au/OHS/incidents

Dangers of working with EWPs

Two recent tragic fatalities have highlighted the need for a safe work method statement (SWMS) before any work on Elevated Work Platforms begins. All possible contingencies/hazards should be identified and methods put in place to eliminate them.

FOR MORE / GO TO

www.cfmeu.asn.au/OHS/alerts

John Holland loses appeal

The trial of Comcare's civil prosecution of John Holland companies commenced on March 15, after the Federal Court rejected accusations of apprehended bias against Justice Bromberg by John Holland. The proceedings originally brought by Comcare related to the injury of a labour hire worker during construction of a light rail network in St Kilda, Victoria in 2007.

FOR MORE / GO TO

www.cfmeu.asn.au/news



More photos of the Potain MR615 crane from the Perth C2 site are available at the CFMEU Construction Safety Zone: www.cfmeu.asn.au

JOIN THE CFMEU
www.cfmeu.asn.au

Workers Support STOP the SHAM Campaign



These workers have a reason to be happy: CFMEU organisers have been achieving good wins for members on sham contracting over the past few months.

The **Equus site in Perth** (above top) reacted quickly when it was discovered that some plasterers and ceiling workers were being paid as little as \$12 an hour with no entitlements.

“The workers were mainly from SE Asia, working on 457 and holiday visas and being exploited,” said CFMEU WA Secretary Kevin Reynolds.

CFMEU WA had been raising the issue with the developer for four or five months. With the support of the workers, the CFMEU negotiated for all workers to receive the EBA rates and entitlements.

Over on the east coast in **Queensland**, workers also took action in Brisbane and the Gold Coast to demand that builders weed out sham contracting on their projects. Bovis Lend Lease, Multiplex and Leighton sites have all been hit with demands for audits.

“The Union has uncovered sham contracts, breaches of Award wages, non compliance with Super — one company hadn’t paid Super for 2 years — visa issues and subcontracting out,” said CFMEUQ Senior Officer Jamie McQueen.

In **Victoria**, the CFMEU’s campaign has helped workers, like the painters above, beat sham subcontracting.

They were being ripped off working on ABNs for between \$20 and \$30 an hour. Now they are on CFMEU EBA rates, receiving decent wages and their allowances and entitlements.

The Victorian campaign has so far audited finishing trades on BLL, Multiplex and Icon sites.

CFMEU ACT has been busy uncovering sham contracting on Government jobs in the capital. The Union has found cases of blatant cases of cash-in-hand arrangements, as well as sophisticated tax evasion scams.

ACT Branch has also been inundated with calls from apprentices, mainly from the non-commercial sector, who are being underpaid on wages and entitlements. Some third year apprentices have never received fares and travel allowances or public holiday pay.

Meanwhile, **CFMEU SA** has uncovered one of the most dramatic scams, with a subcontractor on the prestigious SA Police HQ site in Adelaide, allegedly tak-

NEWS BRIEFS

April 28 International Workers’ Memorial Day

Commemorations will be held in all Australian capitals on April 28 to remember all those killed at work. For full list of activities go to CFMEU National website below. Watch our Memorial video. Take action on safety. Those deaths must not be in vain.

FOR MORE / GO TO

www.cfmeu.asn/news

Solidarity with Japan & Christchurch

CFMEU Construction National Office exchanged messages of solidarity, with construction unions in New Zealand and Japan over recent tragedies in those countries.

FOR MORE / GO TO

www.cfmeu.asn/news/archive

Int’l Women’s Day 100 years

CFMEU Construction marked the 100th anniversary of International Women’s Day by encouraging all women in the industry to ‘Be Strong, Be Union’.

FOR MORE / GO TO

+ rally photos

www.cfmeu.asn/news/archive

ing off with a progress payment leaving 20 formworkers owed nearly \$200,000.

CFMEU SA’s investigation shows the formwork company is not registered in any industry funds for super, long service or redundancy. Workers were on ABN all-in payment sham contracting arrangements, with cash-in-hand payments and many using false names and apparently working in breach of visa conditions.

“We also found two subbies with 30 gyprock workers on ABNs with all-in rates and no entitlements. After CFMEU intervention, the workers are now being back-paid for LSL, super and redundancy,” said Assistant Secretary Aaron Cartledge.

The ABCC had ‘audited’ this project a number of times and found no compliance problems. They now say these are matters for the police and other authorities!

CFMEU NSW has also uncovered widespread sham contracting and is putting in procedures to stamp it out.

In our communities...

Target health & fitness



Construction workers are stepping up to the scales and participating in voluntary, free health checks, in a bid to improve their health and fitness.

The campaign started in Victoria last year and has now spread to QLD. VIC's redundancy fund, Incolink, has partnered with WorkSafe's

WorkHealth to deliver free health checks on sites.

Vic workers who *choose* to participate can get a free, confidential, 15 minute WorkHealth check and receive immediate information and advice from a qualified health professional together with a private record of their results.

QLD's 'BUSS(Q) Busta Gut' campaign was launched on site at the Brisbane Law Courts on March 30.

More info for VIC go to: <http://www.incolink.org.au/workhealth>; for QLD go to <http://www.blfq.org/>



CFMEU VIC members have also joined the Good Friday Appeal for the Children's Hospital Melbourne, with sites buying flags for cranes and workers urged to buy hard hat hankies/bandanas to wear on April 15.

More info: www.cfmeuvic.com.au

Pics: left Bob Ramsey at weigh-in for CFMEU VIC's 'Biggest Loser' weight loss competition. Above: Site delegate Joe and Organiser Elias encourage members to dig deep for the kids.

UNION UPDATE



REYNOLDS TO PASS THE BATON

CFMEU WA Secretary **Kevin Reynolds** has announced he will retire at the end of this year. But it will be 'business as usual' in the Branch, when Organiser Mick Buchan takes over until elections are held in 2012.

Kevin retires after 40 years' service to WA workers, as secretary first of the BLF and then the CFMEU. His leadership has made CFMEU WA one of the State's major unions, 'playing our part', as he puts it, in all campaigns to improve workers' rights and conditions.

The WA Branch's well equipped training centre is one of Kevin's crowning achievements, giving members more



opportunities for work in the industry.

Kevin will continue to act in a consultative capacity up to the Branch elections.

Mick Buchan takes over with the same commitment to members: "If you don't fight you lose, that's my motto", he says.

Born in Ballarat, Mick cut his teeth on Melbourne construction sites in the 80s and early 1990s before coming to WA to work at Murrin-Murrin.

Kevin calls him an outstanding organiser and OHS officer, who has won the respect of workers across all areas of the construction industry. "He's not afraid to take it up to the bosses; he'll get in there and fight boots and all if he has to".

COMMUNITY INFORMATION

Action on Climate Change

Thousands turned out in Melbourne, and it was Sydney's turn on April 2. Get Up rallies show Tony Abbott and his do-nothing mates that many more Australians want a sustainable future for our kids and grandkids. Watch on CFMEU's You Tube Favourites

FOR MORE / GO TO

www.cfmeu.asn.au

Two Brothers Walking

New Indigenous film in-the-making. For the past two years Murray George, from central Australian desert, and John Hartley, from tropical rainforests of far north QLD (and CFMEU SA member) have been traveling the central desert taking a prophetic message to senior traditional men and women. Their culture is on the brink of great change as their generation will be the last to have walked the country with the old people. "A return to law and culture is needed now like never before, not only so the ancient ways of knowing and being are preserved for future generations, but also as a way forward for people struggling between cultures," John says.

FOR MORE / GO TO

<http://twobrotherswalking.com/welcome>

Follow the CFMEU on:



New poll: Would you support a carbon tax on big polluters that was used to compensate households for increased costs? Vote Now!

FOR MORE / GO TO

www.cfmeu.asn.au

PAY YOUR DUES
www.cfmeu.asn.au

National Office
Dave Noonan
(02) 8524 5800

ACT Branch
Dean Hall
(02) 6267 1599

NSW Branch
Malcolm Tulloch
(02) 9749 0400

NT Sub-Branch
Mick Huddy
(08) 8981 5280

QLD C&G Divisional
Michael Ravbar
(07) 3231 4600

**QLD Builders Labourers
Divisional Branch**
David Hanna
(07) 3236 2633

SA Branch
Martin O'Malley
(08) 8231 5532

TAS Branch
Tony Benson
(03) 6228 9595

VIC Branch
Bill Oliver
(03) 9341 3444

WA Branch
Kevin Reynolds
(08) 9221 1055

CFMEU
CONSTRUCTION
AND GENERAL

