



Construction Forestry Mining Energy Union

Construction & General Division

National Conference

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NSW Branch Report
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NSW Secretary

Membership and Finances

The CFMEU nationally and in NSW has faced many serious challenges in 2009. In particular the economic downturn and the activities of the ABCC and anti-CFMEU laws have created organising difficulties. Following the change of government in 2007, the CFMEU in NSW was rebuilding with a 10% increase in membership in 2008. Our membership continued to increase in the first five months of 2009 but it is now in decline as the downturn has gathered momentum. This inevitably impacts on income and finances. The branch had a \$300,000.00 plus surplus in 2008 but we expect a significant deficit this year with an expected 5-10% decline in membership for 2009.

In 2008 the Branch embarked on a campaign to encourage members to pay their union dues by direct debit and the internet. Today 25% of union dues are derived from direct debit. 10% of union fees are now paid by Bpay and 5% by credit card over the telephone.

Changing Demographics on Sydney Sites

With the ageing of the workforce in the industry there has been a significant change in recent years in the demographic composition of the workforce on sites. In particular, there are a growing number of Asian and Arabic workers in the industry. In an effort to better communicate with and organise these and other non-English speaking workers, the union has sought, where possible, to engage officials with a second language. Presently we have officials that speak Dari, Farsi, Kurdish, Arabic, Hindi, Spanish, Portuguese, Mandarin, Korean and Italian.

We now have many workers who do not speak English communicating with the union and submitting claims. There is still considerable abuse and exploitation of non-English speaking immigrant workers but we are slowly strengthening our influence amongst these workers. We often successfully promote union disputes and claims in ethnic media. We have also strengthened our relationship with ethnic community organisations.

The Branch this year produced a special booklet for 457 visa workers called *A Better Life?: Stories of Exploited Guest Workers in Australia*. 5000 copies of this booklet have been printed and distributed. The 24 page publication includes information for 457 visa workers in Korean, Mandarin, Arabic and Farsi. This publication has been well received by community organisations in Sydney and will be launched officially at the November 2009 NSW Branch delegates meeting.

The union always produces multi-lingual pages in its journal, *Unity*. The Branch also recently produced a special multilingual booklet for non-English speaking workers, outlining rights and entitlements.

Enterprise Bargaining and ACIRT

The Branch has made solid progress with enterprise bargaining. All major builders have signed EBAs with the union, consistent with union claims. In the current round, we have 367 EBAs signed, of which 290 have been certified with a further 160 under negotiation. The agreements are overwhelmingly pattern agreements that provide for the 15% increase over 3 years with increases in ACIRT and CBUS and allowances.

ACIRT in 2007-2008 paid a total of \$7,487,709.00 to members in interest. The scheme, in addition to a funeral benefit, has funding available to members to assist with payment of course fees relevant to skill development in the building and construction industry.

UPLUS

Top up workers compensation insurance and 24 hour accident insurance is provided for in all CFMEU NSW EBAs. The scheme pays 85% of gross pre-injury earnings for workers injured by accidents outside of work and tops up wages to 85% of pre-injury earnings for injuries for up to 3 years.

It also provides for significant payments for lump sum awards under the NSW *Workers Compensation Act*.

Wage Claims

To date this year, \$5,630,000.00 has been paid to 2,186 members who have submitted 370 official wage claims to the union office. The union records, as a performance indicator, the number of claims and amount of monies recovered each year by officers. Substantially more money is recovered by direct bargaining with employers on sites which are not recorded in the official records of the CFMEU Wage Claims Office.

Officer Training

Three CFMEU officials, Yu Lei Zhou, Charlie Boumelhem, and Chikmann Koh, attended the ACTU's Organising Works course this year. All officials also completed a 5 day training course, a ½ day course on sham sub-contracting. Virtually all officials now have now obtained a Certificate IV in Workplace Safety.

Indigenous Australians

The CFMEU continues to employ an Indigenous Officer, Rohan Tobler. Rohan has been recognised for his work and received the ACTU's Aboriginal and Torres Strait Islander Award in 2009.

The CFMEU, in co-operation with TAFE NSW and the Redfern-Waterloo Authority, conducts a *Koori Job Ready Program*. Since its inception in 2003 a large number of Koori youth, both men and women, have participated in this course for the building and construction industry. In addition to obtaining important skills across a wide range of trades in the building and construction industry, many participants have developed self-esteem and some hope. The participants receive intensive pastoral care and support from our indigenous union organiser. On average, 80% of those who enrol in each 8 week course complete it and graduate. 75% of the graduates get employment in the building and construction industry and 80% of those have remained employed after one year. A number of these young Koori people, after a lifetime of no hope, have now completed apprenticeships. The CFMEU has negotiated a contract with the Redfern-Waterloo Authority for Kooris from this training course to be engaged on Redfern-Waterloo Authority building projects.

Our Assistant Secretary, Mal Tulloch, who is indigenous, co-ordinates the union's work on indigenous issues. The union has also been active in protesting the federal government's forced acquisition of land in Northern Territory communities.

International Solidarity

The Branch continues to place a high priority on international trade union solidarity. This year, CFMEU organiser, Mansour Razaghi, attended an International Solidarity Conference in Kurdistan Iraq. State President Peter McClelland and organiser Rebel Hanlon attended a KMU Conference in the Philippines. Also organiser Joe Ratana, Wage Claims Officer Keryn

McWhinney and rank and file member Denis McNamara participated in May Day celebrations in Cuba. The Branch systematically responds to every appeal for solidarity from the UITBB, sending protest letters as required and often organises solidarity pickets in Sydney in support of UITBB campaigns. We are in the process of putting the UITBB logo on all the business cards of our officials so as to promote our UITBB affiliation.

The CFMEU is the most prominent union in Sydney on issues of international solidarity. We have played a central role in supporting the Palestinian struggle and in the campaign for the Cuban 5. We are presently co-ordinating a postcard campaign in support of the Cuban 5, with 10,000 postcards printed to lobby US President Barack Obama. In mid-October we are hosting a 2 month visit of a musical group from Santiago de Cuba to perform on building sites and in factories and on the waterfront to further build solidarity with Cuba and support the struggle of the Cuban 5.

One of our members, Elizabeth Rivera, is co-ordinating a campaign of solidarity with Liliany Obando, a trade unionist jailed in Colombia. Liliany has visited Australia on many occasions and is well known to the CFMEU. Also we are actively involved in a campaign for the transfer of political prisoner Mauricio Hernandez Norambuena from Brazil to Chile. Mauricio was a leader of left wing guerrilla organisation, the Manuel Rodríguez Patriotic Front (FPMR) and is regarded by many in Chile as a hero for the ambush on dictator Pinochet during the dictatorship. The web page, www.mauriciohernandeznorambuena.com has information on the international campaign. Our web page has a facility to send an e-mail in support of this campaign, <http://www.cfmeu-construction-nsw.com.au/solidaritycampaign.htm>.

CFMEU Wall of Remembrance and the Workplace Tragedy Family Support Group

The CFMEU has continued to place the names of building workers killed in NSW on our Wall of Remembrance. The families and workmates of workers killed participate in ceremonies at the Wall. The NSW Branch has played a central support role in the formation of the Workplace Tragedy Family Support Group. The widows and family of workers killed in workplace accidents are increasingly well organised and are working in support of the CFMEU campaign for better workplace safety and better laws for building workers. Cheryl Romer from the Workplace Tragedy Family Support Group recently won the Ian Chisholm Award in the 2009 NSCA/ExxonMobil National Safety Awards of Excellence. Karen Banton, the widow of Bernie Banton, recently spoke in support of the CFMEU and our campaign for better laws at the opening by Prime Minister Kevin Rudd of the Bernie Banton Centre at Concord Hospital. These families are making a valuable contribution to the struggle for better safety laws.

The CFMEU systematically organises stop work meetings on International Day of Mourning on April 28 each year. This year there were more than 150 site meetings. We secured good media for these meetings and had widows and family members speak on sites. We have also arranged for many local councils in NSW to place plaques in council parks in remembrance of International Day of Mourning. We are continuing our practice of demanding that plaques be placed at workplaces where workers are killed.

Building Company Collapses

The NSW Branch continues to play a prominent role in assisting sub-contract companies secure payment when builders go bust. This year we made significant progress in helping sub-contract companies recover millions of dollars from clients and banks. Specifically monies were recovered following the collapse of JPS and Bezzina. We are presently in dispute with persons associated with Hightrade/Ferro Constructions. One tiler is owed over \$700,000.00.

In early October, 80 workers and family members occupied the luxury Crowne Plaza resort in the Hunter Valley demanding payment. They then picketed the resort for the 3 days of the Labour Day weekend. This picketing is still continuing in a vigorous campaign for payment.

ABCC Campaign

The NSW Branch has actively participated in the ABCC Campaign Committee. A successful rally of 1000-1500 workers was co-ordinated in support of the campaign outside the ALP National Conference earlier this year. We are presently organising a rally in solidarity with Ark Tribe for Friday October 30 in Sydney.

Extra Services and Facilities

The CFMEU training company, COMET and employment scheme, BWAC continue to operate. COMET is the largest private training provider in NSW outside of TAFE and is the principle provider of OHS induction training in Sydney. In 2007 588 courses were conducted involving 6973 participants. The company receives no grants or subsidies.

The CFMEU continues to provide drug and alcohol counselling and treatment services to the building and construction industry. The union runs a residential clinic on the grounds of the former Rozelle Hospital in the inner west of Sydney. Services have recently been expanded with programs for people with gambling addictions now being provided.

Apprentices

The NSW Branch this year produced a special edition of *Unity* for apprentices. We engaged 5 young political activists part-time to speak to apprentices in TAFE colleges about workers rights and union membership. Unfortunately they were not successful in recruitment of large numbers of apprentices but over 500 registered on a CFMEU contact list. We are now e-mailing these apprentices information in respect of their rights and there will be ongoing recruitment efforts.

Workers Compensation

The union lawyers, Taylor & Scott, continue to seek just and fair compensation for our members. This year, we continued to see a number of our members severely injured in the workplace due in large part to the actions of the ABCC in restricting the rights of entry of our officials onto building sites to check safety issues.

Taylor & Scott reported that in the months January to September 2009, a sum in excess of \$3.6m was recovered on behalf of 282 members under the no-fault *Workers Compensation Act* scheme. Taylor & Scott further reported that 19 negligence cases were prosecuted on behalf of our members and an additional sum in excess of \$5m was recovered despite the severe restrictions on workers rights to sue for negligence in New South Wales. Many of these members received awards of ongoing weekly compensation and medical expenses as weekly as additional top up benefits negotiated under NSW CFMEU EBAs.

Since our last conference and due to CFMEU pressure being applied to the government, the benefits for the death of a worker at the workplace were increased by more than \$100,000.00 and restrictions that previously existed on some families receiving benefits have now been removed. For example, the wife, children, mother or father of a deceased worker no longer has to go cap in hand to an insurer proving dependency on the deceased worker. The estate of the deceased worker now receives the death benefit automatically.

The tragic death of Luke Bandrowski on the Chatswood to Epping Rail Link highlighted the need for the family of a deceased member to receive good legal advice. Taylor & Scott reported this case presented huge problems in establishing negligence under the existing laws, but I am pleased to report that Taylor & Scott were successful in a medical negligence action against those that had treated Luke prior to his death, therefore ensuring that his partner and children now have a degree of financial security.

Green Bans

The CFMEU continues to play an active role in the placement of green bans. The Branch currently has three green bans in place;

1. Union Square Pyrmont

The NSW government intends to demolish four terrace buildings constructed in 1881 to make way for the \$5.2 billion Sydney to Rozelle Metro

The NSW government has made concessions but we remain dissatisfied and the green ban continues.

We have garnished considerable public support and extensive favourable media coverage.

2. Graythwaite Park, Union Street, North Sydney

Graythwaite Park is a 2.5 hectare park in which is an historical 18th century homestead is located. The park and the building were bequeathed under trust to a state Labor government in 1916, by the owner Thomas Dibbs following the Gallipoli tragedy. The park and the homestead were to be used as a rehabilitation facility for returned service men.

For decades local residents and workers employed in and around North Sydney CBD have had unrestricted access to the park. The NSW government has called for tenders to purchase the property for development.

The union/community campaign is very strong with the North Sydney City Council, the Returned Services League of Australia, The Greens and the federal Member for North Sydney Joe Hockey publicly supporting the campaign and the union's green ban.

3. Seaforth TAFE

The NSW government wants to sell this extremely valuable property on the coast on which Seaforth TAFE is located. This green ban has been placed so as to insure that this public technical college remains available for vocational training rather than becoming the property of a developer to be used for private profit. This action by the branch has the endorsement of Unions NSW and the NSW Teachers Federation.

Shutdown Weekends

The success of the branches' six shutdown four or five day weekends continues with the support of the industry workforce. The six weekend shutdown system gives quality leisure time to workers to be enjoyed with their families. This leisure time comes without any deduction in the families' normal weekly wage with up to 14.4 hours of pay being made for the Saturday not worked.

Compliance with the six shutdown weekends is almost universal in Sydney, Wollongong and Newcastle. CFMEU officers and organisers ensure compliance by working on the Saturday and the RDO attached to the public holiday.

CFMEU Picnic

On the first Monday of December 2008, 15,000 people attended CFMEU picnic venues in NSW. The CFMEU picnic venues include Gosford Reptile Park, Taronga Park Zoo, Luna Park, Jamberoo Park and the Dubbo Zoo. This year the branch has extended the number of available venues by adding an extra theme park situated to the west of Sydney in the Blue Mountains area.

Attendance at these venues on picnic day costs a member only \$10.00 for a partner and up to three children. This ticket allows the family full free use of theme parks attractions. The cost to a family of five to attend these venues outside of the CFMEU picnic day is \$150.00-\$180.00.

Defibrillators on Sites Campaign

Heart attacks on construction sites claim many lives each year. The CFMEU has embarked on a campaign to have employers install state of the art defibrillators in workplaces. This year over 70 defibrillators have been deployed on NSW building sites.