

MAY 2005 STATE EXECUTIVE REPORT

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The Australian trade union movement is facing its biggest challenge since our formation in the 1840's. There have been many attacks upon the movement and individual unions since trade unions were first established. However, the forthcoming attack by the Federal Liberal Government will be unprecedented. The Government intends to totally de-regulate the labour market and dismantle trade union organisation. In particular they are preparing to destroy the CFMEU. They will seek to litigate and financially bankrupt the union. The Federal Government has unlimited resources for the attack. They spent \$60 million plus on the Building and Construction Industry Royal Commission and have already spent \$13 million on funding the Building Industry Taskforce to prosecute the union. They have now allocated an additional \$136 million to this Taskforce to persecute and attack the CFMEU.

Whilst the building unions have historically been under attack this will be the most vicious. In NSW following the NSW Royal Commission into the building industry the union suffered greatly. The NSW Liberal Government Code of Practice, the activities of the NSW Taskforce, anti-union laws combined with the recession, seriously damaged the union. Financial union membership collapsed to 15,460 by 1995. There were no site allowances on any NSW building projects and employers stopped contributing to our redundancy (CERT) and top-up workers compensation / 24 hour accident schemes. The NSW Government was proceeding to de-register the union but we successfully avoided de-registration.

The current Federal Government has more resources and is more determined to destroy the CFMEU than the Greiner / Fahey Government. The gap between CFMEU EBA rates of pay and conditions and non-union contractors paying lesser rates and "all-in" ABN contractors has dramatically increased. Backed up by the Federal Government, non-union contractors will have substantially greater opportunities to undermine union standards in tendering. The laws that will be enacted will be more effective and will target the CFMEU. The prosecutions and penalties represent a serious threat to our union. The Building and Construction Improvement Bill which when passed by the Federal Parliament will be operative from March 9th, 2005. This Bill prohibits trade union activity with provision for fines of \$110,000 on the union and \$22,000 on individual members for engagement in each example of unlawful action. The key challenge for the union is to work in this difficult environment to maintain wages and conditions and union strength to the best of our capacity. It is not alarmist to emphasise the importance of survival to rebuild standards that will be inevitably eroded. To meet this challenge the following are vital.

Unity of the Union and the Movement

Unity must be more than a slogan but a daily reality. We must work to maintain the unity of officials, delegates and members inside the Branch, with other Branches of the Division, between Divisions and between unions. We must prevent the ego's and weaknesses of individuals in creating disunity. We must avoid demarcation disputes with other unions. More importantly when other unions are in need of support we must provide solidarity. If our movement does not survive the CFMEU will have no future. We need to work constructively with Unions NSW and regional peak trade union bodies to strengthen collective methods of work and struggle.

In a special Saturday sitting of Parliament on 26th June 2004, the Howard Government legislated to give the Building Industry Taskforce extensive new powers to attack the CFMEU. These are:

- Power to demand that documents be handed over.
- Power to compel that information be given or questions answered (under oath).

This means ordinary workers can be served with a notice that forces them to appear before the Taskforce and be questioned about workplace issues and trade union activity.

These interrogation sessions will be held in private and workers will be told to answer questions under oath. There is no 'right to remain silent'. Workers will be directed not to disclose to anyone (other than their lawyer) what was discussed during the interrogation. There is no protection against self-incrimination. Failure to comply is a criminal offence with penalties ranging from \$3,000 to 6 months imprisonment.

Face to Face Contact with the Workers

Our union officials and delegates must place priority on face to face contact with rank and file workers and members. Workers will have no confidence in the union if they do not see union officials and delegates working and campaigning on the sites and in the community to defend their interests. Where there are restrictions on union 'right of entry', additional ways of engaging with the rank and file before and after working hours will need to be developed.

Improved Communication and the Media

With restrictions on our 'right of entry' and less time to individually and collectively communicate with the rank and file we need to improve and expand our methods of communication. Our journal Unity may need to be posted more often and more widely. We may need to do special mail outs to members, financial and unfinancial in different sectors, regions, suburbs and towns and in different languages. We need to develop and improve our membership data base to better facilitate this communication. We need to improve and promote our web-page to the large and growing sector of the membership and potential supporters that access the internet. We need to expand the quality and quantity of our media work in suburban, regional, ethnic and mainstream newspapers. High profile media opportunities in metropolitan mainstream media ie. newspapers, TV and radio need to be constantly sought. We need to better train and skill organisers and delegates to expand this media work. We need to campaign around the general issues of worker rights but in particular with the victims of Federal Government policies – the widows and families of workers killed, workers unpaid, injured workers being mistreated by insurance companies and the poorest workers in Australia living on minimum wages and visa and guest workers ripped off.

Training of Officials and Delegates

The union needs to expand and improve the quality of training of officials and delegates. Of key importance will be an understanding of the new laws so as to minimise and avoid costly mistakes. Vital, will be improving the OH&S skills of officials and delegates. Rogue employers who rip off workers and have no regard for OH&S will be tackled by the union. We have recently negotiated with NSW WorkCover an intensive training program for union officials. This training will need to be supplemented by in-house OH&S training.

Enterprise Bargaining & Project Agreements

Enterprise bargaining is central to improving the wages and conditions of our members. We are making progress with our 2005 – 2008 enterprise bargaining strategy. We now have 350, 2005-2008 EBA's under negotiation and 238 signed. There is a high expectation from workers that the union negotiates EBA's to improve their wages and conditions and protect their rights. EBA work must remain a priority of union organisers and union delegates. The union needs to continue to work with Unions NSW and the other building and construction unions to negotiate project agreements. We have 51 project agreements that have been negotiated and signed in 2004 – 2005. We need to work with the regional bodies of Unions NSW in Wollongong and Newcastle to improve our project bargaining work outside of the Sydney metropolitan area.

Community Work & Alliances

The union needs to win greater public recognition for the legitimate and constructive contribution the CFMEU and trade unions play in the broader community. We need to continue our active involvement in the broader issues of peace and social justice. We need to continue to maintain our charitable and humanitarian work eg. helping NISAD, APHEDA etc. We need to initiate and strengthen relations with our community organisations campaigning for similar objectives and in opposition to the Federal Liberal Government ie. women's groups, student bodies, human rights organisations, political parties, ethnic groups etc. The broadest possible alliance of social and political groups needs to be developed to attack and defeat the Federal Liberal Government. One of our biggest challenges will be to ensure our members are enrolled to vote and in fact vote at the next federal election to kick out these neo-conservatives from office.

Organising Outside of the Workplace

With restrictions on the 'right of entry' of union officials and activists may need to visit workers outside of work eg. clubs, hotels and / or at home. Quality contact with members and workers may be an effective way to influence workers into becoming and / or maintaining union membership, finding out information necessary for campaigns and / or disputes and building union strength. We need to immediately improve our membership data in respect of mobile phone numbers, email addresses, their language etc.

Effective Union and Community Picketing

With our legal rights to organise restricted and difficulties to enter some sites we will need to develop new methods to pursue employers who attack union and worker rights. The right to protest has not been subject yet to the same restrictions in the same way as the right of the union to organise at the workplace. Therefore there will be circumstances where we will need to organise or participate in peaceful protests distributing leaflets and with signage embarrassing developers and contractors we are in dispute with. The Safari picket is an example of effective protest action that can effectively sanction contractors who rip off workers and CFMEU / EBA companies. This type of action may have to be done outside our traditional hours of work eg. weekend picketing of completed home units / sites where we are in dispute. This type of protest would need to be lawful as obstruction and blockades will subject the union to legal action, fines and damages.

Expanded Right of Entry – New Areas

With our 'right of entry' restricted we will need to work with Unions NSW to expand if possible our right of entry to new fields of state and local government based union activity eg. payroll tax, environmental, development and compliance with other government statutes.

Empowerment of Rank & File Delegates & Activists

Rank and file delegates and activists working inside sites will need to take more responsibility for the defence of the membership. Union officials will need to develop a closer relationship and contact with our delegates and activists. They will need to be better equipped and committed than ever before. We need to expand the participation of delegates in our Sydney metropolitan monthly delegates meetings and build regional and sector delegates structure (eg. bricklaying). We need to maximise the involvement of delegates from the ETU, AMWU, Plumbers and AWU in our activities.

Broad Based Mass Protests

The protest movement against the Federal Liberal Government attacks will need to be broad based. The activities will need to be organised at times and locations that maximise attendance and involvement of the broadest and largest number of people that is possible. We will need to work with community groups, including churches and ensure that we are respectful to their issues and agendas. Our immediate task is to build attendance and support for the Unions NSW endorsed day of action on Friday, July 1st and the Unions NSW day of trade union and community protest on Sunday 7th August 2005.

CFMEU Certain Defeat if Movement Collapses

If the trade union movement collapses the CFMEU will not survive. Many trade unions have already been damaged by the Howard Government attack and face financial ruin. The CFMEU has built up substantial reserves over many decades not just to defend our union but the whole movement. If other trade unions are bankrupted it would only be a matter of time before we were destroyed. There is no value in having reserves of money unless they are used to defend our union and the whole movement. There is merit in contributing to a fighting fund with the best, most committed and experienced comrades and supporters available in our movement assisting us in this historic battle for survival. In any such commitment by us we would need to ensure that those comrades responsible for this leadership and responsibility recognise the importance of priority support for the CFMEU and the building unions in addition to support for our broader movement. Unions NSW is presently raising \$4million for the first stage of the campaign to defend the trade union movement. Millions of dollars is also being contributed nationally to an ACTU Fighting Fund. This type of initiative is an example of the type of decisive leadership required to defend our great movement.

New Opportunities and Relationships – Local Government

More so than most unions, the CFMEU interfaces with local government. Builders need BA and DA approval and their activities are the subject of regulation by local government ie. noise, conditions of consent, traffic control, hours of work etc. The ALP and in particular the ALP left, the Greens and progressive independents on many local councils are willing to work with the CFMEU. The relationship we developed in the James Hardie campaign has been extended and strengthened. Support for our asbestos policy ie. tougher standards and our 'No Work Long Weekends' policy are examples of new initiatives with local government. This support from local government strengthens our organising capacity with non-union contractors who have no regard or respect for our policies in relation to occupational health and safety and quality of life for workers and residents. There are many more opportunities in this relationship with progressive municipal and city councils.