

ON STRONG FOUNDATIONS

THE HISTORY OF TRADE UNIONISM IN THE BUILDING AND CONSTRUCTION INDUSTRY AND THE FORMATION OF THE CFMEU

The roots of unionism in the Australian construction industry go back to the mid 1800s. From the beginning, construction unions have had a strong and militant foundation of fighting for better wages and conditions.

The militant tradition has seen the construction unions at the forefront of many of the struggles confronting working people.

This document presents some excerpts from the history and its associated articles.

- Section 1 - describes the development of the union from early beginnings to date
- Sections 2 to 9 - provide articles on significant milestones in the development of this union

SECTION 1 - FROM EARLY BEGINNINGS TO PRESENT DAY.....	3
European Settlement.....	3
Unions grow despite employers	3
United action leads to Labour Councils	4
One big industrial union.....	4
Unity is Strength: struggles and victories to current times	5
Other early achievements	5
Worker employer relations move to the Courts.....	5
Government strengthens Court's penal powers.....	6
Post-war building and changing work conditions	6
Significant wins by building workers during the 1980s and 1990s	7
1990s: from enterprise to pattern bargaining.....	7
2005 – Unprecedented attacks on CFMEU	8
Bibliography	8
SECTION 2 - CFMEU - A PROGRESSIVE 'LEFT' UNION	9
Solidarity at home and abroad.....	9
SECTION 3 - CFMEU AMALGAMATION - 1990s	10
What did amalgamation mean for the CFMEU, Construction Division?	10
SECTION 4 - THE BATTLE FOR CIVILISED WORKING HOURS	11
SECTION 5 - THE FIGHT FOR SAFE WORKING CONDITIONS IN CONSTRUCTION	12
SECTION 6 - THE GREAT ACCIDENT PAY DISPUTE OF 1971	13
The Ball Starts Rolling.....	13
The Bosses Misread the Workers	13
The Wives Give the Bosses Hell	13
The Judge Moves In.....	13
Disunity Almost Leads to Disaster	14
Victory for the Strikers!	14
SECTION 7 - GREEN BANS: CAMPAIGNS TO PROTECT THE ENVIRONMENT	15
Green bans on building and construction work also extended beyond Sydney.	15
SECTION 8 - CFMEU STANDS BY PATTERN BARGAINING	16
Collective strength wins strong returns.....	16
Pattern bargaining proven effective.....	16
Reith's position hypocritical	16
SECTION 9 - SOLIDARITY AND POLITICAL ACTION - FIGHTING FOR A BETTER WORLD	17

SECTION 1 - FROM EARLY BEGINNINGS TO PRESENT DAY

To move to your required section of this article, click on the links below.

- [European Settlement](#)
- [Unions grow despite employers](#)
- [United action leads to Labour Councils](#)
- [One big industrial union](#)
- [Unity is strength: struggles and victories to current times](#)
- [Other early achievements](#)
- [Worker employer relations move to the Courts](#)
- [Government strengthens Court's penal powers](#)
- [Post-war building and changing work conditions](#)
- [Significant wins by building workers during the 1980s and 1990s](#)
- [1990s: from enterprise to pattern bargaining](#)
- [2005 – Unprecedented Attack on CFMEU](#)
- [Bibliography](#)

European Settlement

From the beginning of European settlement of Australia, the building industry has played a key role in the industrial and economic development of the nation.

The colony's needs for permanent housing, roads, bridges, public buildings created a demand for building labour. And building workers were among the first to form trade unions to fight collectively for better wages and conditions. Although the penal nature of the new colony - with its harsh conditions and military rules -- did not permit the development of trade unionism, workers began combining into trade unions and taking political action from the 1820s.

By 1850, there were about 25 unions in Sydney, 13 in Hobart, as well as smaller numbers in Melbourne and Adelaide. Some of the earliest construction unions include:

- the Sydney Joiners' Benefit Society (1835);
- the Society of Operative Painters, Plumbers and Glaziers (1841);
- the Shinglers and Slaters (1842);
- the Society of Carpenters and Joiners in Melbourne (following a meeting at the Eastern Hill Hotel in 1847);
- the Operative Masons Society (1850);
- the Amalgamated Society of Carpenters and Joiners of Queensland (1863).

With the ending of convict transportation in 1850 and the arrival of more free settlers, trade union struggles became more frequent and sustained.

The craft pattern continued throughout the 1800s and a separate builders' labourers organisation was formed first in Victoria (1880s) and then in Queensland (1893) and NSW, with South Australian, Tasmanian and Western Australian branches following in the early 20th century.

Unions grow despite employers

The formation of these societies was, of course, strongly opposed by the wealthy and business classes who attacked them in newspapers in terms still familiar today:

"Another consequence has been that, owing to the high rates and short hours, the cost of employing labour amounted to a barrier against the investment of capital ..." (The Argus Oct 23, 1863)

But that didn't deter the workers. Between 1850 and 1930, more than 60 building organisations were formed, reflecting the variety of trades and different political views of those participating.

Many of these unions formed national associations operating in each State, for example, the Federated Engine Drivers and Firemen's Association of Australia (1907) - the first craft union to be registered under the Commonwealth Conciliation and Arbitration Act of 1904 - the Amalgamated Society of Carpenters & Joiners and the Australian Builders' Labourers - both registered in 1911.

United action leads to Labour Councils

Demand for united action saw these craft unions establish Building Trades Federations. For example, strong support from the Amalgamated and Progressive Societies of Carpenters and Joiners, led to the formation of a Trades and Labor Council in Sydney in 1871.

A Trades Association was formed in Melbourne as early as 1856, but the permanent Trades Hall Council was formed in 1879. Similar bodies were established in Queensland and Tasmania in 1883, in South Australia in 1884 and Western Australia in 1892.

Building workers were also present when the first small steps towards a national trade union movement were taken. Only two interstate representatives attended the first inter-colonial union conference NSW in 1879. One of those was secretary of the Melbourne Branch of the Progressive Society of Carpenters and Joiners, Mr. Turner.

However, severe economic depression in the 1890s saw a massive attack on workers' organisations by the employing class. The same pattern was repeated in the 1930s, when collapsing businesses again attempted to unload the effects of the crisis onto the backs of workers and their families.

The 1890s depression saw huge struggles on the waterfront and in the shearing industry, resulting in the serious weakening of union organisation across the country. Unionists began to recognise that the gains they won would be best protected if laws could be made by politicians who supported workers instead of bosses. So they formed the Australian Labour Party.

One big industrial union

Some building unionists also recognised the value of having one, strong industrial union to secure a better bargaining position for workers on construction sites. Internationally, the idea of a single union to represent all workers from a particular industry had taken hold in the US and some parts of Europe from the beginning of the 20th century. Australia followed suit but the achievement of an industrial union for the building industry was a long and difficult job.

Bricklayers, Builders' Labourers, Carpenters and Plasterers agreed to form a single union in 1922. But it was not until 1942 that bricklayers and carpenters effectively amalgamated to form the Building Workers Industrial Union, which became a federal organisation in 1943.

Over the following decades, work continued on the formation of one union for the industry with the gradual amalgamation of some of the other building craft unions with the BWIU.

For example, the Victorian Tilelayers amalgamated in 1964 and Stonemasons in 1965; in WA, the Bricklayers amalgamated with the BWIU in 1968; SA bricklayers decided to form a Branch of the BWIU in 1968; Qld stonemasons and BWIU amalgamated with the bricklayers in 1973; Nationally, the BWIU, the Plasterers Federation and the Operative Painters and Decorators Union also began working on amalgamation from 1966.

However, the emergence of strong industrial unions in the metal industry was already perceived as a threat by the Conservative Government of the early 1970s. As a result new legislation was enacted preventing any reasonably sized unions from amalgamating. Large unions could only amalgamate with small organisations.

So it was not until the early 1990s that we saw the emergence of One Big Union for the construction industry, the CFMEU Construction & General Division -- with a federal structure and representation in every State and Territory. See [Amalgamation](#).

Each of the building unions in that amalgamation has a long and proud history. At times, that history took different paths in different States, with highs and lows. On other occasions, campaigning together as Building Group Trade Unions, they achieved victories that raised working standards for the whole industry and flowed on to other industries. This overview simply outlines those shared and distinct stories. For more detailed accounts, take a look at the linked stories referred to on this Website and the list of books and pamphlets at the end.

Unity is Strength: struggles and victories to current times

- Worker employer relations move to the Courts
- Government strengthens Court's penal powers
- Post-war building and changing work conditions
- 1990s: from enterprise to pattern bargaining

Admission to the early building unions was strict. You had to be nominated by other members who had observed your work and could vouch for your skill. The union's role was to guard the customs of each trade.

Trade customs and working conditions were set out in rule books and members who worked on lesser terms were fined. In return for weekly membership fees, the union provided benefits such as strike relief, compensation for loss of tools, sickness and funeral assistance. With no government social welfare at the time, these benefits provided insurance for building workers and an incentive to join the union.

Much of the union's activity was carried out by voluntary officials, elected for short periods by their fellow workers.

One of the earliest recorded victories for Australian building unions was the Stonemasons' campaign for an 8-hour day in the mid 1850s. Firstly on two sites in Sydney, and then right across Melbourne, stonemasons struck and won the 8 hour day (48 hour week). This victory is widely regarded as a world-first.

In Queensland, a building worker who nicknamed himself 'Yacca' wrote a series of letters to the *Moreton Bay Courier*, between Nov 1, 1856 and August 22, 1857, calling for the introduction of an eight-hour day in that State.

Yacca's letters obviously drew quite a deal of support from building workers because the following advertisement appeared in the *Moreton Bay Courier* in August 1857:

A meeting of the working men of Brisbane and its vicinity connected with the building trade (not being employers)... on the evening of Wednesday the 9th of September to take into consideration the adoption of the short time movement.

Other early achievements

- 1875-1920: 44 hour week
- 1897: first Workers' Compensation legislation in Australia
- 1902 - 1980s: Campaigns for proper amenities on construction sites.
- 1902: the first building industry safety legislation in the NSW Scaffolding & Lifts Act.
- 1904: penalty rates for overtime.
- 1904: waiting time for late payment of wages.
- 1904: fares and travelling allowance.

The early 20th century also saw the first full-time paid union officials. Outstanding amongst these was the leader of the Bricklayers Union, Jack Kilburn. From fighting conscription in the 1910s, leading the 44 hour week campaign in the 1920s, fighting fascism and becoming a Labor member of parliament in the 1930s, and helping form the Building Workers Industrial Union in the 1940s, Kilburn was a giant of both the industrial and political wings of the labour movement.

Worker employer relations move to the Courts

The introduction of Compulsory Arbitration Legislation in 1904 changed the way unions worked. Previously, union meetings fixed the union wage rate and workers and union officials campaigned directly with employers to achieve it. The introduction of arbitration saw wages and conditions being fixed by Court hearings. Besides bargaining directly, employers and unions spent much time arguing their cases before the Court - just as they do before the Industrial Relations Commission today.

This resulted in some gains for workers. For example, the 1907 Harvester case, in which building unions participated, established the notion of 'a fair and reasonable' basic wage - what is called a 'living wage' today, as it was also called back then.

The Court systems also contributed to the creation of industry standards, where benefits from particular awards could be more easily flowed on to other sectors of the industry.

However, the Arbitration Court was established with the aim of reducing strike action and was widely perceived to be an employers' Court.

The Archer Award, made in 1913, was the first federal building industry award and applied to builders' labourers in NSW, Vic, Qld, SA and Tas. It established a number of important conditions, including:

- Recognition that a higher rate should be paid to casuals.
- Introduction of a lost time loading for time lost due to wet weather, waiting between jobs, waiting for materials and sick leave
- Standard hours of 44 a week.

When the Progressive Society of Carpenters and Joiners and the Amalgamated Society of Carpenters and Joiners amalgamated federally in 1920, the new union, the ASC&J of Australasia, applied for award coverage in Tasmania, Victoria and South Australia. After two years negotiation, the Commonwealth Court of Conciliation and Arbitration registered the Anthony Award - the first federal award to cover the work of carpenters and joiners.

Government strengthens Court's penal powers

It was not long before a Conservative Government amended the legislation to give the Court strong penal powers. As a result, striking unionists in 1928 ended up in jail and their organisations were fined large sums of money for 'inciting strike action'. The Court could also introduce new awards which took away conditions previously won by the workers.

In 1929, Judge Luken announced a new award for timber workers which took away the 44-hour week, reduced wages and generally worsened working conditions. When timber workers came out on strike in response to the award, their organisers were fined \$1000 each or, in default, sent to jail for three months.

During the 1930s recession, the Arbitration Court nakedly served both employer and government interests by slashing basic wages.

Employer associations also used the Court to directly attack unions by applying for their deregistration. In 1948 the Federal Office and Victorian branch of the BWIU were de-registered and remained outside the system for a period lasting for 14 years. The Court's decision was in response to a campaign of industrial action being taken by the union in support of parity wage rates for on and off-site timber workers. But it also reflected the conservative, and explicitly anti-communist, bias of the courts.

Not long afterwards, the Court endorsed the formation of a new building union, which took the name of the former Amalgamated Society of Carpenters & Joiners. The new ASC&J was supported by the employers and strongly associated with the Catholic right wing organisation, known as the 'Movement' - see the [CFMEU a progressive 'left' union](#).

Post-war building and changing work conditions

Many conditions taken for granted today were not enjoyed by building workers until World War II. These included annual leave, decent amenities (on some jobs), wet weather payment, even the humble 'smoko' break... It's an interesting indicator on how tough workers had it in the early days - conditions actually improved during wartime. In the years following the war, many ex-soldiers effectively became adult apprentices under the Commonwealth Rehabilitation Training Scheme. Heavily influential was union president and First World War veteran, Ted Bulmer, who understood the difficulties returned service people faced.

And despite significant attacks by employers on building unions, workers continued to make significant gains in this period. Major campaigns were waged to achieve compensation for lost time due to wet weather, increased travel allowances and payment for exceptionally dirty conditions.

By the end of 1946, the Victorian Building Trades Federation had secured employers' agreement to an 8-hour a week wet weather allowance, after a campaign of lightning stoppages and go-slows. If it rained during any one week, workers would be paid up for lost time up to a limit of 8 hours.

The wet weather deal was matched with increases in basic wages and a new standard of travel allowance that subsequently flowed on to other States.

Safety became an issue of greater concern. And as the height of dams and commercial buildings soared, workers also demanded compensation for the greater risks involved.

Because of the limits of fire ladders and steam-pumped water pressure, the heights of buildings in Sydney were restricted to 150 feet until 1957. The lifting of those restrictions signalled the beginning of the modern

multi-storey era. With hundreds of workers concentrated on multi-storey jobs, the whole nature of the industry changed.

Building workers also fought to secure conditions, such as the right to long service leave, which was available to other workers.

The first long service breakthrough was in Tasmania in 1951, where the government introduced legislation setting up a fund and requiring employers to make payments into it upon termination of a building worker's employment. The SA Government was next, followed by the Victorian and NSW Governments. Building workers in all States were eligible for Long Service Leave benefits by 1974.

In 1960 full daylight training for apprentices was finally achieved after a campaign lasting 20 years. Apprentices had previously to undertake technical studies in the evenings after working on site all day.

Perhaps the most significant struggle of the 1970s was the achievement of full pay for lost time due to injury, as a result of the [Accident Pay Dispute](#) in NSW.

Up to that point building workers who sustained injuries at work were only received a percentage of their pay. The joint campaign by building unions was one of the most effective industrial actions of the period and ranks with the achievement of the 8-hour day as a significant breakthrough for the industry.

From 1971-1974, as environmental issues and the preservation of historic buildings were becoming of greater concern to the community, the NSW Builders' Labourers Federation led the drive for '[Green Bans](#)' by construction workers on heritage sites. Significant areas of Sydney such as the famous Rocks District were preserved as a result. Actions were also taken up in varying degrees in other States. Bans campaigns also saved from demolition many Melbourne landmarks including the Queen Victoria Market, the Regent Theatre and the City Baths.

Campaigns by five building unions, led by the BWIU, also resulted in the achievement of a National Building and Construction Award in March 1975. This replaced 30 State Awards, and consolidated many of the gains in wages, working conditions and social demands that had been won as a result of workers' struggles in the various States.

Indeed a deep rivalry developed between the BWIU and the BLF over who could make the greater advances. Sadly, the relationship was to deteriorate in the years ahead, through to the BLF's deregistration, federally and in Victoria, NSW and ACT, in 1986. Fortunately, in recent years those divisions have been overcome.

Significant wins by building workers during the 1980s and 1990s

- an Industry Superannuation Scheme (1984);
- Redundancy Pay as an Award right (1989)
- National Redundancy Scheme (1995)
- Training levy in WA (1995) and Qld (1999) the collection system is different in each State but the outcome in both is a dedicated Training Fund to ensure skill development for the workforce.

The WA CFMEU was at the forefront of the union campaign against the draconian 'third wave' industrial relations legislation introduced by the Court State Government and IR Minister Kierath. Solidarity Park was built in 1997, during this campaign, when a Workers Embassy was established on a strip of vacant land opposite Parliament House in Perth. After the protest ended, the trade union movement left behind a beautiful park with permanent shelters, barbeques and monuments dedicated to Mark Allen and all workers who have died as a result of their work. (Mark Allen was a young BLPPU Organising Works organiser who was killed on a building site attempting to get workers off an unsafe roof.)

Solidarity Park is now used by a large range of community groups and has become a permanent feature of the West Perth landscape.

- Portable Sick Leave in Victoria (1997). Untaken sick leave is credited to the Portable Scheme on termination and may be used by the worker in his/her next job.
- The 36-hour week for all construction projects in Victoria (2000).

1990s: from enterprise to pattern bargaining

Changes in Australian industrial relations over the past 15 years, with the switch to 'enterprise bargaining' and Liberal Government attacks on Award conditions won over the years, have placed further demands on trade unions. The CFMEU challenged the ACTU-ALP enterprise bargaining strategy with the alternative,

industry-wide collective bargaining approach, as far back as 1993.

That thinking has formed the basis for the union's successful industry-wide approach to wage agreements - known as [pattern bargaining](#).

Industry-level collective bargaining was formally endorsed by the ACTU in 1997 and has now been adopted by other left- and right-wing unions.

Everything building workers have won has had to be fought for, and always in the face of opposition from big business, the press and conservative politicians. Inch by inch, the wages and conditions building workers enjoy today have been won. And because building unions have played such a pioneering role, their efforts have benefited not only themselves but all Australian workers.

The key ingredient has been the long-running radical political tradition of building union activists – Kilburn, Bulmer, Clancy and Munday are but a few examples. Other larger than life figures in the history of the building unions that make up the CFMEU include: Frank Purse, Tom McDonald, Stan Sharkey – all BWIU; Paddy Malone, Norm Gallagher – BLF; Jack Ellis (OPDU) and Jack Cambourne (FEDFA). The strength of this tradition has given the militant building unions not only a gritty character, but a breadth of vision starkly lacking in the more conservative unions.

The CFMEU is not just a workers' organization but an integral part of the campaign for a just and more equal society. It is a proud tradition that dates from the early days of the building unions and one we are determined to continue.

2005 – Unprecedented attacks on CFMEU

It is for this very reason the CFMEU is a target for reactionary sections of the employer class. The Federal Government has drafted special legislation for the building and construction industry. The conservatives do not like trade unions but in particular have a hatred for strong and effective ones. The new laws aimed at destroying the CFMEU in 2005 are some of the most repressive in the world.

Bibliography

Sources for this history of the CFMEU include:

- On Strong Foundations: The BWIU and industrial relations in the Australian Construction Industry 1942-1992, by Glenn Mitchell (Harcourt Brace: Sydney 1996)
- A Brush with History - the Painters' Union and the Australian Labour Movement, by John Spierings (Highland House Melbourne 1994)
- A History of Industrial Relations in the Sydney Building Trades 1870-1914, by Alice Maeve Coolican (unpublished University of NSW PhD thesis, 1989)
- On Strong Foundations: A short history of the Building Workers' Industrial Union of Australia - Pat Clancy (unpublished pamphlet, c1980)
- Civilising the Industry: A reflection on the role of the Builders' Labourers Federation in Australian Industry and Society (undated pamphlet)
- Intimate Union: Sharing a Revolutionary Life, by Tom and Audrey McDonald (Pluto Press: Sydney, 1998)
- Green Bans, Red Union: Environmental activism and the New South Wales Builders Labourers' Federation by Meredith Burgmann and Verity Burgmann (UNSW Press, 1998)
- 'It must be true ... it's in the papers!' Building Workers and the Press: 160 Years of Anti-Union Propaganda, by Paul True (NSW Branch CFMEU: Sydney, 1999)

SECTION 2 - CFMEU - A PROGRESSIVE 'LEFT' UNION

While many of the unions that now form the CFMEU have historically played a role in ALP politics, elected leaders and activists of some of those unions have been strongly committed to more radical socialist views. This helped to build the base for the current political 'left' of Australian politics. As a result, the amalgamated CFMEU is a progressive 'left' union and many of the policies pursued by the union are influenced by these ideologies.

The carpenters and bricklayers who set up the BWIU were members of the Communist Party of Australia (CPA). Many building union officials were members of the CPA or other left-wing parties, and were deeply committed to socialist principles. Much of the political knowledge gained by those officials was passed on to the rank and file members of the union developing a class consciousness which helped to keep the union active throughout many of the difficult periods it faced.

Today communism is often denigrated, mainly due to the power of the capitalist ideological machinery, but also due to serious mistakes in the practise of socialism during the 20th century. However, in the 1930s and early 1940s, the CPA was a formidable political party in Australia. A CPA member was elected to the Queensland Parliament in the 1930s. And the party was considered a stronger supporter of the downtrodden, than the ALP.

However, after World War II, all that changed. By 1946 the Soviet Union was targeted as the enemy of Western democracy and communism declared to be the work of the devil.

Anti-communism fervour swept the United States and Australia thanks to the efforts of the conservatives and the media. The CPA fell into disunity and disrepute. However, despite the demise of the CPA, many of the principles that those early unionists fought for are still pursued by the CFMEU today and those communist ideologies have been transformed into progressive policies that are the battleground for contemporary union struggles.

Solidarity at home and abroad

For well over 100 years the building unions - now combined together in the CFMEU - have felt that it was the union's duty to both show a political lead and to help in the broader struggle for a better world. The union always believed in Australia's capacity to be a caring, equitable and socially just society. And it saw its role as ensuring that the country's decision-makers heard the views and concerns of the working class.

From the 1950s to the 1990s, building unions opposed Australian involvement in the Vietnam War, were bitter opponents of nuclear weapons and their testing, supported civil rights and land rights for Indigenous Australians, promoted environmental issues and heritage protection, and supported student and community groups across the whole spectrum of social issues including education, health, welfare and housing

Former Queensland Secretary of the BWIU, Hugh Hamilton sums up the need for progressive policies:

The Union's activities in the vital matters of racism, peace, pollution, protection of the environment and other matters have in no way detracted from the union's attention to improving the wages, work conditions, and quality of life of the members. One is not subordinate to the other; they are complementary. In fact, our involvement in these activities has enriched our understanding of the needs of those who work in the building industry and the needs of our society. (Thomas 1973).

The key ingredient has been the long-running radical political tradition of building union activists - Kilburn, Bulmer, Clancy and Munday are but a few examples. Other larger than life figures in the history of the building unions that make up the CFMEU include: Frank Purse, Tom McDonald, Stan Sharkey - all BWIU; Paddy Malone, Norm Gallagher - BLF; Jack Ellis (OPDU) and Jack Cambourne (FEDFA). The strength of this tradition has given the militant building unions not only a gritty character, but a breadth of vision starkly lacking in the more conservative unions.

The CFMEU is not just a workers' organisation but an integral part of the campaign for a just and more equal society. It is a proud tradition that dates from the early days of the building unions and one we are determined to continue.

SECTION 3 - CFMEU AMALGAMATION - 1990s

At its 1989 biennial congress the Australian Council of Trade Unions (ACTU) determined a policy for the future structure of trade unions in Australia. Broadly, the new policy encouraged unions to amalgamate, with the intention of consolidating their human and financial resources to form better resourced, larger, industrial unions.

The CFMEU is the result of a series of amalgamations during the early 1990s. Prior to amalgamation there were numerous unions spread across the construction, forestry, mining and energy industries. Those unions amalgamated along industry lines to form each of the divisions of the CFMEU. Each division operates autonomously, with its own membership, executive, resources, industry policies and campaigns.

What did amalgamation mean for the CFMEU, Construction Division?

The construction division was made up of a number of craft based unions representing smaller numbers of members. These included:

OPDU	(painters)
BWIU	(building workers, especially carpenters and bricklayers)
OPPWF	(plasterers)
BLF	(labourers)
OSSA	(stonemasons)
FEDFA	(engine drivers, mobile crane drivers, plant operators)
FBTPIU	(brick, tile & pottery workers)

The union's move away from a craft base to an industry base was designed to benefit construction workers and for many it has.

Relationships between the old unions were often antagonistic, characterised by demarcation disputes and intense rivalry for members. Amalgamation has reduced demarcation disputes. With fewer unions on site, workers have the opportunity for a strengthened bargaining position and can negotiate with a single voice.

The amalgamation process is currently still under way for the FEDFA Division in Victoria and the Construction Labourers Division in Queensland.

SECTION 4 - THE BATTLE FOR CIVILISED WORKING HOURS

"I often think that too little is known by the workers of the record of achievement of the trade union movement... Too often we hear, 'Parliament gave', 'the Arbitration Court granted', and 'the employer conceded' some improvement. They did not give - they were compelled by the pressure of the Unions." (Former leader of the Bricklayers Union, Jack Kilburn quoted in the Building Worker July 1960)

Before they organised into unions, building workers often worked 60 hours a week as a minimum. But by the mid 1850s they had had enough and the movement for the shorter working week began.

Firstly on two sites in Sydney, and then right across Melbourne, stonemasons struck and won the 8 hour day (48 hour week.) This victory is widely regarded as a world-first, and one of the Sydney sites on which it was fought for - the Garrison Church in the Rocks district - is still in existence.

In Queensland, a building worker who nicknamed himself 'Yacca' wrote a series of letters to the Moreton Bay Courier, between Nov 1, 1856 and August 22, 1857, calling for the introduction of an eight-hour day in that State. Yacca's letters obviously drew quite a deal of support from building workers because the following advertisement appeared in The Moreton Bay Courier in August 1857: A meeting of the working men of Brisbane and its vicinity connected with the building trade (not being employers) on the evening of Wednesday the 9th of September to take into consideration the adoption of the short time movement.

By the 1870s stonemasons had achieved the 44 hour week. The employers did not resist too strenuously because stonemasons died, on average, at 36 years of age, due to dust exposure. But for other building workers, the 44 hour week took another fifty years of struggle to win - the bricklayers in particular playing a prominent part in the campaign.

In Adelaide, in 1919, carpenters took direct action to win the 44 hour week. Many workers were prosecuted and penalties imposed by the court, but the campaign was successful and the 44 hour week was won in September 1919. A veteran of the 1920 bricklayers' campaign later wrote: "The employers used the press of the day to 'prove' if hours were shortened the economy would be disrupted, the public held to ransom and the country ruined."

Meanwhile, actions for civilised hours in the different States overlapped. While Sydney building workers were still fighting for the 44 hour week, their Queensland and Victorian counterparts were taking action to win the 40 hour week. One press report called them, "the apostles of laziness." Unions in South Australia and Western Australia were fined and in Queensland the carpenters, builders' labourers, bricklayers and painters unions were deregistered.

But in 1935 the Queensland building workers broke through, achieving the first industry award in Australia with a 40 hour week. The success had in large part been due to the painters who wanted to reduce the amount of time they were exposed to the toxic substances in the paint of those times.

The Queensland industry award also included a preference clause for unionists, a limit on the pick up of labour to between 8am and 10am daily. The 40-hour week had to be worked in five days - Monday to Friday, 8 hours a day. Agitation for a 40-hour week extended to the wider trade union movement after the end of World War II from 1946. Eventually the ACTU's threat of a national stoppage from all affiliated unions, resulted in the Federal Arbitration Court announcing that a 40-hour week would commence for all workers under Federal Awards from January 1, 1948.

With technology leaping ahead, the demand for a 35 hour week gained more and more support, particularly from the 1950s onwards. While victories were achieved by some government workers, private sector employers resisted the reform until the early 1980s. That was when all building workers won the 38 hour week - taken in the form of one Rostered Day Off a month - and builders' labourers won the 36 hour week on shopping centre sites.

Victorian building workers have recently campaigned successfully for the introduction of a 36 hour week on all building sites from 2001. In other states, this standard was introduced in the next round of enterprise bargaining 2003 – 2005. The close down weekends, which were a product of this campaign for quality leisure time, proved to be popular amongst NSW building workers and their families.

The struggle for civilised working hours in this hard, dangerous and dirty industry has never been easy, and has been resisted at every turn by employers, the press and conservative governments. Yet despite the forces against them, building workers have time and again led the way, winning improvements not only for themselves but that have ultimately flowed on to all Australian workers.

SECTION 5 - THE FIGHT FOR SAFE WORKING CONDITIONS IN CONSTRUCTION

The skyline of every major Australian city is now dominated by huge skyscrapers. Yet what most people don't realise is that many of those skyscrapers are literally tombstones that have cost the lives of hundreds of building workers over the years. In the construction industry workplace safety is literally a life and death question.

As a simple illustration, the builders' labourers union pointed out in 1973 that 43 builders' labourers were killed at work in the previous 12 months in NSW. That was the same as the annual average of Australians killed in the Vietnam war.

Yet unfortunately most improvements in building site safety have been won against the strenuous opposition of employers. For example when the dangerous practice of 'overhand brickwork' was banned by bricklayers, a representative of Meriton's building company said 'if pickets were put on the job he would run them over with a truck.' Even the introduction of compulsory safety helmets in the 1950s was opposed by employers.

Governments as well have very patchy records. Building unions first called for the appointment of a scaffolding inspector in Sydney in 1886 following a series of accidents. But it took the government a further six years, and many more accidents, before they got round to appointing one.

And it's not just accidents that kill and injure building workers - there are the insidious slow killers. In the 1920s an average of 29 painters a year were dying in Australia of lead poisoning. It took until 1956, when the Queensland Government introduced legislation, for governments nationally to be convinced of the dangers of lead in paints.

Likewise years later with asbestos (and because of its long incubation period, the terrible toll of that particular substance still remains to be seen). Once again, things like lead in paint and asbestos were only banned because of union campaigning.

The CFMEU makes no apology for its rigorous attitude towards safety. We have been to too many funerals.

SECTION 6 - THE GREAT ACCIDENT PAY DISPUTE OF 1971

The great accident pay dispute of 1971 established the right for construction workers to full pay while off work on compo.

In 1971 the building industry in Sydney was experiencing a boom. For example, one builder, Concrete Constructions, had 17 multi-storey buildings in the CBD alone. It was the right time for the building unions to look at permanent improvements to wages and conditions.

Full accident pay for injured workers had been a hot issue since the mid 1960s. The NSW Workers Compensation Act 1926 did not allow for regular payments to commence as soon as an injured worker was off work. As a result, serious injury meant not only physical pain but financial disaster. It meant having to depend on family, friends and charity while you took your chances in the sausage grinder that is the court system. In the construction industry, the injustice of this situation burned in the guts of most workers like an ulcer. To have to work in a hard and dangerous industry for long hours was one thing; but to be discarded like a dirty rag when you got hurt was just not right. Something had to be done.

The Ball Starts Rolling

The first step towards justice occurred on December 9, 1970 when a Building Trades Group of Unions delegates' meeting endorsed a claim on the bosses for full accident pay and a wage claim of an extra \$6 (per week that is!). However, the ball really only began rolling the following February with a series of site stop work meetings to seek endorsement of the delegates' claim.

The message that the rank and file sent to the unions was clear: let's go for it! So the unions gave the bosses an ultimatum: "Agree to our demands by March 31, 1971, or State-wide action will follow". As the deadline grew near and then passed, the unions tried to settle the issue by negotiation, hoping that rolling stop work meetings would send the message to the Master Builders and the Employer's Federation that the workers were deadly serious.

The Bosses Misread the Workers

Realising the flow on effect that a successful union claim would have throughout the industry, the bosses decided to try to stare down the workers. As a result, the unions had no choice but to escalate their action into an all-out stoppage.

On April 21, 1971, the unions' 'advance raiding party' moved. 250 workers on Sydney's landmark Opera House project walk off the job indefinitely. Five days later, 7000 CBD workers follow suit. Suddenly, the tower cranes which littered the box-canyon landscape went idle.

The big battalions of the union movement finally stepped into action on May 3. Throughout the state, over 30,000 construction workers at mass meetings voted to go on strike indefinitely. What started as a local dispute suddenly became a major crisis for the Liberal Willis Government and the bosses.

The Wives Give the Bosses Hell

One of the most effective tactics used by the unions during the dispute was to send a delegation of wives to visit the Master Builders Association to give the employers the benefit of their views.

The mass media had a field day. Television and newspapers around the country ran images of angry building workers' wives telling cowering employer reps just where on the social scale they thought they belonged (somewhere below pimps and drug peddlers!).

By the middle of May 1971 the pressure on the employers was intense. The better part of the CBD had been shut for four weeks and the rest of the industry had been out for two weeks.

With financial support and solidarity for the striking workers starting to pour in from inter-State and other unions, the bosses realised they were on a hiding to nothing. The question was no longer would they lose the dispute, but rather how could they surrender with some semblance of dignity.

The Judge Moves In

Realising the hopeless position of the employers, Justice Sheehy of the Arbitration Commission started to make private overtures to the building unions. He singled out Pat Clancy, then National Secretary of the Building Workers' Industrial Union, and all but guaranteed he would deliver the result the unions wanted.

However, the clincher was this: if the workers went back to work the Judge said he would deliver a decision the very same day!

Disunity Almost Leads to Disaster

So certain was Pat Clancy of imminent victory that he began to put the decision making process in place to secure a return to work. In doing so, he literally put his position on the line. He told the mass meetings of workers if they went back to work and the result went against the unions, he would immediately resign.

The mass meetings were characterised by bitter debates.

The Builder's Labourers Federation opposed a return to work. In their view the Arbitration Commission was a boss's court and only a direct industrial agreement with the MBA would be acceptable.

In contrast Clancy and the BWIU argued that an arbitrated decision would be the ultimate victory because it would apply to all employers (whether MBA members or not), and would have national application.

In the end, the vote to return to work was carried convincingly, but a legacy of division between the main building unions remained for many years thereafter.

Victory for the Strikers!

As promised, on the very day of the return to work Justice Sheehy conceded the unions' claim with a new award provision for accident pay. The victory was not based on the generosity of the boss or the arbitration court, but on a total industry shut down of three weeks.

It was a victory based on the rank and files willingness to lose, in some cases, up to 5 weeks pay to achieve an important long term gain - something we now all take for granted.

SECTION 7 - GREEN BANS: CAMPAIGNS TO PROTECT THE ENVIRONMENT

By the 1970s the importance of the environment was becoming clear to more and more people. To varying degrees the different building unions began to respond to the change in popular consciousness. The most far-reaching response was in NSW where the Builders Labourers Federation (BLF) shot to both national and international prominence as a result of their green bans. These bans saved much of historic and natural Sydney, the most famous examples being at Kelly's Bush, the Rocks, Woolloomooloo, Victoria Street in Kings Cross and Centennial Park.

The leader of the BLF and pioneer of the green ban movement was Jack Munday. In the following 1998 interview Munday looks back at the movement's origins:

"I think the Green Bans were probably the most exciting innovation that the Builders Labourers became involved in. There was so much development taking place and at the outset there was this feeling that 'all development was good - it was progress'.

"But as historical buildings, and buildings worthy of preservation were knocked down, and whole neighbourhoods were disrupted - for example all the working class people in the Rocks were going to be thrown out for high-rise development - a segment of the population said 'well, we should be concerned about our vanishing heritage'.

"And those people had an impact on us, because the Builders Labourers had opened up to a lot of new ideas. And ironically it was a group of women from the fashionable suburb of Hunters Hill that first came to the union saying, 'we've seen where you've said unions should be concerned about things other than wages and conditions - well here's your chance to do something.' Because a developer, AV Jennings, was coming in to knock down the last remaining bushland on the Parramatta river, and build luxurious homes for the few.

"When the ban went on at Kelly's Bush it was called a 'black ban', and of course the conservatives went off their brains about it - 'these are mere labourers! - who do they think they are? - urban town planners!!' and suchlike.

"The workers on an AV Jennings' site in North Sydney passed a resolution saying they'd ban any further building on that job if a tree or a blade of grass was touched at Kelly's Bush, which really set the cat amongst the pigeons.

"And with the success of Kelly's Bush it spread like wildfire. At the time there were Residents Action Groups all over Sydney opposing over-development... and we were then inundated with requests - Woolloomooloo, the Rocks, Victoria Street, and Centennial Park. And in five years there were 43 green bans.

"They became 'green' because we felt it was more descriptive of what we were doing. It wasn't workers stopping the job to up their wages and conditions. They were saying we should have a social conscience and we should be concerned about community interests. Of course the union had to fight for wages and conditions, but we also felt it had a wider obligation of social responsibility.

"And moving from 'black' to 'green' it meant that we had a new constituency. People who were normally hostile to unions came on-side. It was a very positive example of union activism, but going beyond normal unionism."

The ban on this construction work led to more than 40 other bans worth more than \$3000 million of 'development'.

Green bans on building and construction work also extended beyond Sydney.

In Melbourne, the Hamer Liberal government ran into serious opposition in September 1974 over its plan to construct a power station at Newport on the mouth of the Yarra River. The Building Workers Industrial Union, the Amalgamated Metal Workers' Union, the Plumbers' Union, the Federated Engine Drivers and Firemen's Association, the Electrical Trades Union and the Furnishing Trades Union argued that the environmental damage was unacceptable and banned construction work.

In Adelaide, the SA Branch of the Plumbers and Gasfitters Union challenged the Mainline Corporation's proposal to demolish the 130-year-old Australian and New Zealand Bank and build a large office tower. That union also applied bans on other development projects in the suburbs of Unley, Highbury and Norwood.

In recent years the CFMEU has continued the use of green bans - at the Sydney Conservatorium, Finger Wharf, Erskineville and once again, Centennial Park.

SECTION 8 - CFMEU STANDS BY PATTERN BARGAINING

Article extracted from the CFMEU Construction & General Division National Office website

The CFMEU Construction Division has supported industry-wide collective agreements, as a response to the Government's introduction of Enterprise Bargaining, since the early 1990s.

Workplace Relations Minister Peter Reith's latest, unsuccessful, attempt to outlaw 'pattern bargaining' is just one more prong of his persistent attacks on collective bargaining and on the Australian trade unions that use those strategies most effectively.

The CFMEU makes no apologies for chasing industry-wide agreements that have common conditions and rates of pay. Pattern bargaining is neither illegal or against the interests of workers. In fact, it is the only way enterprise bargaining can work in a fragmented industry like construction.

Many construction employers actually share this view. Last year, at an industrial relations conference organised by the Master Builders, more than 250 employer representatives were unanimous in the view that pattern bargaining was well suited to the construction industry. It alone could deliver certainty and a level playing field to the industry.

In an industry where many different businesses and their employees work side by side, it makes sense to allow for site agreements which cover all companies operating on a particular project or to permit employers and unions to strike sector agreements if they wish.



Workers protest against Reith's proposed changes to the *Workplace Relations Act*.

Collective strength wins strong returns

Union negotiated collective agreements ensure high standards of wage rates and conditions are maintained for all workers on building projects. Workers can unite around a common log of claims and use their collective strength to achieve wage justice.

Additionally, given the small size of most building and construction companies, it is often more efficient for employers to negotiate collectively with the union through their Employer Association.

Pattern bargaining proven effective

The fact that wage increases in the construction industry remain among the highest in the country is strong proof of the effectiveness of the CFMEU's pattern bargaining strategy.

Pattern bargaining is common practice in all OECD countries which practice collective bargaining, including the United States. The Coalition Government has continuously attacked collective bargaining since the introduction of the *Workplace Relations Act* in 1996. That legislation has already come under strong criticism from the International Labour Organisation for its failure to live up to Australia's obligations under International Labour Conventions.

The ILO's Committee of Experts report, issued this year, "requested" the Government "*take steps to review and amend the Act to ensure that collective bargaining will not only be allowed but encouraged, at the level determined by the bargaining parties*". The Coalition Government has not only failed to act on this request; it has compounded the situation by attempting to introduce even more repressive legislation against collective bargaining.

Reith's position hypocritical

On top of all this, Workplace Relations Minister Peter Reith's position on pattern bargaining is highly hypocritical. Just one week before the Minister introduced his failed pattern bargaining legislation, the Government's Employment Advocate Jonathan Hamberger launched his individual contract 'template' for small businesses.

A template is of course a pattern - in this case a pattern Australian Workplace Agreement - drafted by Hamberger's office at taxpayers' expense, which employers can then force on their workers. To Peter Reith's line of thinking these are not 'pattern agreements' because they give the whip hand to employers not workers.

SECTION 9 - SOLIDARITY AND POLITICAL ACTION - FIGHTING FOR A BETTER WORLD

While the union's core responsibilities are clearly the wages, working conditions and safety of building workers - our work doesn't end there. For well over 100 years the building unions - now combined together in the CFMEU - have felt that it was the union's duty to both show a political lead and to help in the broader struggle for a better world.

As issues arise on an almost daily basis, there are literally tens of thousands of examples of building unions lending a hand to combat injustice. This has led to criticism sometimes, as we have often supported causes for years before they have become fashionable.

Outlined below are just some of the examples of our union's proud involvement in broader social and political campaigns:

- Support for other workers - both in Australia and internationally - going back at least to the Maritime Dispute of the 1890s
- Support for peace movement: for example, we opposed Australian involvement in the Vietnam war and French Nuclear Testing in the Pacific from early 1960s
- Support for the Aboriginal cause: including the Pilbara stockman's strike of the 1940s, the Gurindji struggle of the 1960s, the Aboriginal Tent Embassy and the reconciliation process of the present day
- Opposition to racism generally: including active support for migrant workers and their families and communities, opposition to apartheid in South Africa from the early 1960s
- Support for liberation movements against oppressive governments in East Timor, Chile and much of the so-called Third World
- Support for political prisoners around the world
- Environmental issues including the world-famous Green Ban movement beginning in the 1970s
- Support for student and community groups across the whole spectrum of social issues including education, health, welfare and housing
- Involvement in Mass rallies, protests and picnics supporting the uprising against Indonesian occupation of East Timor
- Opposition to the invasion and occupation of Iraq

Building workers and their union officials have, from the earliest days, been willing to face arrest for their beliefs. During the great strikes of the 1890s, John Diaz who later became secretary of the Victorian Carpenters Union, was arrested by the police while supporting striking shearers and chained to a log.

The union continues to take up similar fights today.