

CFMEU CONSTRUCTION WORKER

www.cfmeuwa.com

Autumn 2016 Issue 1

Despite 33 workers already having their charges dropped, Malcolm Turnbull's Fair Work Building Commission are persisting with their ridiculous charges against 68 working people.

**THEIR 'CRIME'?
ALLEGEDLY ATTENDING
A UNION MEETING.**

**UNION
ORGANISING
IS NOT A CRIME.**

**THESE CHARGES
MUST BE
DROPPED.**



Stand up. Speak out. Fight back!

**INSIDE: All the stories you won't read
in a Murdoch Newspaper...**



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MEMBERS LETTERS TO THE EDITOR Email : editor@cfmeuwa.com

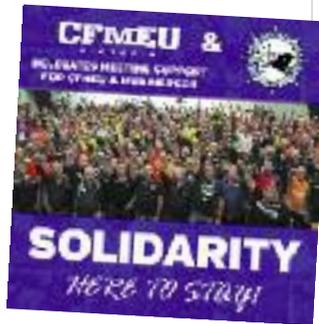
YOUR FUTURE UNDER ATTACK – LNP HAS TO GO IN BOTH HOUSES.

Never before in Australian political history has there been such a coordinated, politicised attack on our union and its members. We've had a trumped up Royal Commission, the FWBC running around charging everyone in sight (without facts or evidence), and Turnbull's Libs spreading lies about the union and the effectiveness of the ABCC. All of this, of course, is about setting the scene for an anti-worker, anti-union federal election.

There is only one way to protect our working future, our lifestyle and everything we have fought so hard for. Vote ALP 1 in both houses of parliament. Talk to your family, your workmates and let them know how important it is that we all come together as one and vote to get rid of the most draconian force our country has ever seen. Collectively we have the power to chuck 'em out!

CFMEU MUA MERGER

The Proposed merger between our 2 great unions was fully ratified by the MUA Executive and our own. Let me say that nothing will proceed until the proposal has been to members of both the CFMEU and MUA. It's your union and unlike the Libs – both the MUA and CFMEU have a democratic process to follow. Here to stay, if you don't fight you lose!

**101 A FARCE!**

The 101 who were charged for allegedly attending a union meeting by Turnbull's FWBC henchmen, have seen 33 of their cases dropped, we can only suggest through lack of evidence. Why would anyone be charged without any grounds to support it?

What country are we living in? We call on all charges to be dropped. This is just the tip of iceberg if Turnbull's Libs are re-elected.

MASSIVE WATERBANK PROJECT AND RITZ CARLTON

I know we've been hearing it for a while, but we are now closer to several large projects getting out of the ground. The \$6-7 Billion WaterBank Project, down by the causeway being amongst the biggest. Stage One is due for completion by early 2108 and we are closer to reaching a national agreement with Lend Lease. In the meantime, ProBuild has been announced as the builder for the Ritz-Carlton Project at Elizabeth Quay. Stay tuned.

CONGRATULATIONS CHRIS BROWN

I would like to congratulate Chris Brown ex Wharfie and MUA official on getting pre-selected for the Federal seat of Fremantle. How great it is to

see blue collar working people making a run for parliament. I am sure with all your support, Chris will be successful and we will have a voice in Federal parliament who understands first hand the working class struggle.

**CFMEU HELPS THE KIDS BY RAISING \$200,000**

Well done to John Setka, Shaun Reardon and all our Victorian staff, delegates and members and our industry for their big hearts and generous contributions. A record \$200,000 was raised during the annual Good Friday Appeal to make sure The Royal Children's Hospital, Melbourne can keep doing their great work for the kids. Over 6 years the CFMEU has raised over \$800,000 – a fantastic effort to help build children's lives.

MAY DAY

May Day on May 1st is shaping up as a giant opportunity for all of us, members and their families to rally against the Turnbull's Liberals and the FWBC/ABCC ahead of the next election. Come on down and show your support. May Day is starting and finishing earlier this year, but the march will still be at 12 noon. See you from 10am.

TOUCH ONE TOUCH ALL

The CFMEU WA branch and members send their support to John Setka and Shaun Reardon who are in court for doing nothing except standing up for workers and their rights. We stand with them 100%!



Sincerely,

Mick Buchan State Secretary, CFMEU WA

MAY DAY MARCH AND FAMILY FUN DAY : MAY 1ST



The Libs only want a select few to succeed we want everyone to have a fair go.

Let them know that at the Federal election. We are Australia. Not the Liberal Party.

CFMEU
CONSTRUCTION FEDERATION OF AUSTRALIA

Let your voice be loud and clear! Turnbull's Libs not welcome here.

March with the CFMEU crew on May Day and let all the right wing politicians know that there is no place for their FWBC, ABCC, trumped up charges, lower wages and no conditions. We want a fair go for all Australians not just a select few.

**GET
YOUR FREE
MAY DAY
T-SHIRT**

THIS IMPACTS ON ALL OF US

NOW & IN THE FUTURE.

STAND UP. FIGHT BACK AND MARCH.

**FREMANTLE ESPLANADE,
SUNDAY MAY 1ST FROM 10.30 AM –
MARCH AT 12 NOON, COMPLETION AT 2PM.
KIDDY RIDES, ENTERTAINMENT AND MORE –
AND IT ALL STARTS EARLIER THIS YEAR.**



WA Builders are helping criminals by

WORSE STILL, THEY ARE JEOPARDIZING THE LIVES OF THEIR WORKERS

WA Builders are continuously calling the WA Police to stop union officials from doing their job, even when officials have a legal 'right of entry'. They are using the Police as their own personal Industrial Relations Department.

It is not a crime to enter a site with appropriate right of entry paperwork. On safety matters no right of entry may be needed.

Police become frustrated, embarrassed and angry as to why they are called in to arbitrate an industrial relations issue. There are too many representatives of building companies who do not understand the right of entry laws and provisions in WA.

It's costing lives.

Recently this recalcitrant attitude from builders has arguably seen the deaths of 2 workers on a city building site.

Maybe it's time builders and their employee's faced HUGE fines for barring entry and hindering union officials from carrying out their job. Watch this space!

Recently Mick Buchan submitted an article to the WA Police Journal outlining the problem. in said in part:

"In order to carry out our work, we use both

State and Federal right of entry laws, these enable us to see our members on the job, listen to their issues and make sure the sites they are working on are safe. These laws enable us to visit members on site and hold discussions with them during their break times, provided that we give the occupier of the premises 24 hours' notice. If we have had a complaint about safety or have a reasonable belief that there are unsafe practices on site then we can exercise a right of entry without giving any notice at all to the site and can visit at any time during working hours. These right of entry provisions are a very important tool for the CFMEU in ensuring that our members are neither being ripped off or exposed to unsafe practices in the workplace.

We've recently had several instances where employers, untrained in the right of entry provisions, have phoned the police when we attend sites and attempt to exercise our right of entry. Once police attend the site we are accused of trespass and this then leaves the attending officers stuck between a rock and a hard place. Union officials telling them one thing and employers telling them another. Quite often, in an attempt to diffuse the

situation, the officers on the ground will tell our organisers to leave the premises and we understand why you would do that. What we would ask though is that any officers facing this situation give some thought to why we are there and the rights we have to exercise our right of entry. All our organisers carry with them their right of entry permit and they also have copies of any notices we have sent the site. They will be more than happy to show you these upon request. This will only take a minute and for our members could mean the difference between a safe workplace and an unsafe one.

In WA, we've recently seen the result of unsafe construction sites when three workers were killed in a single day last November. The CFMEU understands how dangerous police work is and the role your Union plays in protecting you at work. The construction game is equally unforgiving and often the only protection workers have are Union officials making sure that sites are safe. We are disappointed that employers choose to waste valuable police time, something I'm sure which also frustrates police officers, in using officers to intervene in industrial matters."

IMPORTANT NOTICE: WORKCOVER CLAIMS

YOUR RIGHTS WHEN INJURED AT WORK

Workers who are injured at work are entitled to compensation. Workers cannot legally be required to sign away their rights.

Anyone who is injured should seek advice, see their own doctor and complete a claim form. Claim forms are available from the Union office or ask your CFMEU organiser.

Any employer who tries to have a worker sign away their rights to compensation before receiving a lump sum should be reported to the CFMEU immediately, and the matter will be reported to WorkCover.

wasting valuable Police Resources



Worker's Compensation is a hard won workers' right and will not be given away. Call the union office on 9228 6900 if you need any help or advice. It's your right.

WORKER'S COMPENSATION IS A HARD WON WORKERS' RIGHT AND WILL NOT BE GIVEN AWAY.



NO IDEA! TURNBULL IS SO BUSY DOING NOTHING

HE DOESN'T HAVE TIME TO DO ANYTHING



HERE'S SOMETHING FOR THE IDEAS BOOM: LET'S ACTUALLY COME UP WITH ONE

It's hardly breaking news, but 2016 is an election year. It seems like we've been on high alert for most of the Liberal Government's term, but since Malcolm Turnbull's ascension to the top job, the chances of us heading to the voting booth early have only increased.

The silly season of an election campaign is almost on us. Babies everywhere need to get ready to be kissed for the obligatory uncomfortable photo op and no hand will remain unshaken as polities from both sides are ready to do whatever it takes to win your vote.

Will they give you a tax break? Perhaps they'll offer to pull the plug on a social policy that doesn't align with your religious beliefs? Or maybe they'll just try and scare you with more dire warnings of unstopped boats.

Luckily by now, I'm sure most of you have seen and heard it all before. As proud CFMEU members, this is hardly anyone's first rodeo. But it is for our Prime Minister.

For all his years of experience in the public eye – and his appearance in literally thousands of selfies – Malcolm Turnbull has not led his party into a general election. And the question we all have is: is he up to it? In his short time in the Lodge, Malcolm Turnbull has already had more ups and downs than a roller coaster. He arrived in a blaze of glory to near universal acclaim – which isn't surprising given the calibre of his predecessor.

Initially, he walked the walk and talked the talk of an innovative statesman; full of new ideas and energy. But now it's all ground to a halt.

He seems to have had a cunning plan to take back the Liberal party leadership, and then didn't get around to working out what to do next. Whether he's chosen the low road, or his colleagues have wrestled the

steering wheel from his hands and taken a sudden swerve, I'm starting to get a bit of deja vu.

Gone are the articulate, reasoned arguments – instead we're getting reheated three word slogans.

No more talk of mature, adult conversations where all ideas are on the table – now it's running from genuine reform and open hostility towards anyone brave enough to float a new policy.

And the supposedly modern, progressive PM is caving in to the reactionary dinosaurs on his right, giving voice to dangerous, discredited falsehoods.

Am I crazy, or is this starting to look a lot like the behaviour of our dearly departed former Prime Minister?

And when you throw in the complete inability to work with the democratically elected members of the Senate, continued ideological attacks on unions and creeping Medicare privatisation, it's no wonder we're having trouble telling them apart.

There's still time for the Prime Minister to change our minds though. It's not too late for him to lose the red budgie smugglers and put the well-cut suit of true leadership back on. We're all waiting with bated breath to see if all the talk of an ideas boom will produce one actual, real idea. And that's why the election this year is so important.

Elections used to be about competing ideas: who had the best plan for the future of the country and who could do the best job of convincing voters why their idea should be supported. That's where we want to be. We don't want scaremongering, cuts to Medicare, education and the NDIS or a popularity contest masquerading as an election campaign. Australia is facing real challenges and we need leaders and political parties to come up with real solutions that work and will deliver the sort of society that we want our children to grow up in.

So as we prepare for the onslaught of election ads, pamphlets and "vote 1" posters multiplying like mushrooms, it's a good chance to think about what's really important and what is just superficial fluff. To take a good look at who is really delivering the ideas of the future and who is just giving us tired leftovers.

Maybe then we'll get a happy ending to this never-ending story of an election campaign.

Ged Kearney, President of the ACTU

YOU have the POWER use it!

Yes, you have power and plenty of it...and it's time to use it.

As a union member you are part of the top voting bloc in this country. You can change things and make things happen. But it's up to you.

DO YOU WANT TO SIT THERE AND COP IT, OR DO SOMETHING ABOUT IT?

The Liberals and their cronies like to point out that union membership is on the decline and that unions are less relevant than what they used to be. Not true. Why do you think the Liberals continue to attack workers by trying to continuously undermine and weaken their unions?

HERE IS YOUR POWER.

Think about it. Australia today has around 1.6 to 1.8 million union members. The latest ABS stats also show that there are around 15,259,399 voters enrolled to vote. So, union members account for over 10% of the voting public. A massive collective voting bloc. Big enough to influence the outcome of any election.

This bloc of 10% of the voting public is also equal to approximately 50% of all people aged 65 and over, the grey vote represents about 22% of the electorate.

Now many of those so called Grey Voters were also former union members who grew up with strong unions values of a fair go for all, and they fought for many of the working rights we all have today. (Rights the Libs are intent of stripping away). They worry about



You as an individual are not powerless, you don't have to be silent, and you are certainly not without a great amount of influence.

what sort of future their grandkids will have. When you harness this collective power, you as an individual are not powerless, you don't have to be silent, and you are certainly not without a great amount of influence.

The Libs don't like this. Never have. They hate the fact that people enshrined with core union values can rise up and defeat them, as happened when Howard got knocked off his perch over Workchoices.

EXERCISE YOUR POWER.

All this being said, it doesn't even account for family members of union members. Many of whom are also in the firing line of the Liberals cut backs and attacks to lower wages and conditions.

What Libs also fail to understand is that 60% of employees in Australia work under

collectively bargained conditions, won by unions and their members. These 60% are just as much in the firing line as paid up union members.

The Libs get worried at elections about the power union members collectively have. It's why union bashing is always part of their campaign strategy.

When the Federal Election comes use your power. Send the Libs a loud message in both the Senate and the Lower House that enough is enough. Put a stop to their attacks on working people with their draconian laws and attitude. You are not just one vote, together you are millions of votes.

You have the power. Use it. Vote ALP in both the Lower House and the Senate. Chuck 'em out – send them a clear message once and for all! It's up to all of us.

You have the power. Use it. Vote ALP in both the Lower House and the Senate. Chuck 'em out and send the Libs a clear message once and for all!

80 MILLION DOLLARS WASTED ON ROYAL COMMISSION

Alas it has come to pass, another Royal Commission into the construction industry and unions. This Heydon Royal Commission is the 5th such commission held in the last 20 years.

As we've come to expect, not much was investigated, cross examined or unearthed about bad employer practices; EG: Sham Contracting. Rorting of Visa Schemes. Poor safety, workplace deaths, the prolific use of ABN's to avoid the responsibility of paying tax, super, entitlements and unsafe practices in the workplace.

Anything that was discovered could have been dealt with by other investigative powers, without the expense of a Royal Commission. As a judicial exercise \$80 million dollars of public was largely wasted. The real winners were BMW dealerships as 'Fat Cat' lawyers lined up to spend their riches. As a public relations exercise to push the Federal Government's neo conservative agenda it was money poorly spent, out of the pockets of Australian taxpayers.

It's been said that there are about 5000 union officials in Australia, yet the commission found cases worth pursuing against just over a dozen of them. It must be said that these cases are yet to be tested in a court of law where it's a whole different evidentiary ball game to a Royal Commission.

Most of the general public thinks that a Royal Commission is a judicial process, it's not. It can't charge you, it can't sentence you, however you can't blame 'Joe and Joanna' public for thinking a RC is like a real court, given the biased way the media reports on events.

***Allegations are twisted as fact,
hearsay is treated as gospel and
loaded questions leading witnesses
to a contrived ending are treated
like revelations.***

This is where allegations fall in a hole when tested in a proper court of law. Allegations are not evidence.

If history is anything to go by, most cases referred for prosecution will either not proceed or fall over.

SO WHY HAVE ONE IN THE FIRST PLACE?

CONTROL: To weaken the role of unions like ours as we pursue better wages, safety and conditions for workers. Profit for the big end of town at the workers expense, wanting to reign supreme.

REVENGE: The Conservative powers in this country were profoundly rocked over the success of the union led Work Choices Campaign. Not just their resultant loss, including John Howard's own seat, but they were gob-smacked at how the funds were raised via the rank and file and how the campaign was brilliantly organised by union foot soldiers. This commission was as much about trying to cut the financial head off of what they perceive as a snake, as much as anything else. 'Weaken the unions, their membership and financial base' became the conservative call.

MANUFACTURE DISSENT: TURC provided the government with endless propaganda based on allegations, and in most cases, with little or no evidence. They also had the right wing media push out their stories with great embellishment. Never let the facts get in the way of good story! The government was desperate to create anti-union sentiment within the broader public and to use Heydon's opinions as a lobbying tool in a hostile senate.

PLAYING POLITICS: In 2004 Rogue Traders at the National Australia bank lost \$360 million dollars through dodgy trading schemes – there were calls far and wide for a Royal Commission into the banking and finance industry. The Howard Government was in the house. What did they do? They had a Royal Commission into a building the ALP owned called Centenary House which was leased to the Australian National Audit Office. The Libs thought this was a rent rort with the ALP ripping off public service funds. (They obviously didn't think that Bank customers losing \$360 million was a rort!) The Royal Commission (headed by Trevor Morling QC) found that the rent charged "was a fair market rental for accommodation in a building such as Centenary House. This was supported by extensive market evidence and there is nothing to suggest that it was excessive". The Libs used it as a deflection away from their mates at the big end of town.

So far 5 cases aimed at the CFMEU arising from the Heydon Royal Commission have been either chucked out of court or have not proceeded, due to little or no evidence. Enough said.



FLAT RATES: FAT PROFITS

Australian workers are under threat due to pressure from businesses and government to keep wage rises at the current record lows. Wage growth in Australia, across all sectors, is the lowest since the recession we had to have in the 1990's. Many companies continue to make FAT profits and book HUGE revenues going forward, while workers put up with shitty flat rates – many individual workers are made to be 'bogus self-employed', being forced to obtain an ABN.

STAND UP...FIGHT BACK!!!

The message is clear. It's time to stop copping it up the backside! Time to stand up for good paying jobs that offer a future to get ahead – not make the bosses fatter.

When workers fail to organise, fail to support their union and allow themselves to cop what the boss dishes up, they cease to become participants in the workforce and end being abused and used.

Just remember, nothing gets built without your labour. Bosses are spreading fear, taking too much power in the workplace and they are being helped by draconian laws the Liberals want to put in place.

If hunger feeds a revolution, then the war must be about to start.

Flat rates, underpayment, itinerant workers and visa exploitation add to low wage growth and local unemployment. Workers are offered little or no job security with under-employment rife in the industry.

Some unscrupulous employers have chucked out the award rate and are offering workers jobs that pay ridiculous flat rates – as low as \$18 an hour. Workers are being ripped off and held to ransom.

WORKERS DESERVE MORE

The next time you open up your pay packet and struggle to tell your kids they have to go without, have trouble making your payments or can't afford to go on a decent holiday, just remember how much these companies (and others) are making from your blood, sweat and tears. It's time to join your union in fighting back.

LOOK AT HOW MUCH THEY MAKE OFF YOUR BACK:

- Finbar \$6.3 Million
- BGC 2015 revenue \$1.9 Billion
- Brookfield Multiplex \$4.7 Billion
- CIMIC (Formerly Leighton) \$520.4 Million
- Lend Lease \$353.8 Million
- Mirvac \$473 Million
- Frasers Centre Point Group (formerly Australand) \$1.1 Billion
- Westfield \$US465.9 Million
- CCCC International Holdings (now owner of John Holland) Revenue of \$54.8 Billion
- Laing O'Rourke £76 Million
- ProBuild – last year the company generated revenue of \$1,440,727,000!
- Cockram – 2015 revenue over \$600 Million

STAND-UP AND BE A VICTOR, NOT A VICTIM. SUPPORT AND JOIN YOUR UNION. DEMAND BETTER WAGES AND CONDITIONS!

THE FIGHT FOR CIVILISED

Before building workers organised into unions, they often worked 60 hours a week as a minimum! By the mid-1850s they'd had enough and the movement for the shorter working week began. It was to be a long, hard and bloody fight that carries on for over 100 years.

WORLD FIRST FOR SHORTER HOURS

Firstly on two sites in Sydney, and then right across Melbourne, Stonemasons, the origin of today's CFMEU, 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 November 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 bricklayer's 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."

PUSH FOR 40-HOUR WEEK: WA UNION FINED.

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.

BUILDER'S LABOURERS WIN THE 36 WEEK - THE RDO

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 Builder's Labourers won the 36 hour week on Shopping Centre sites.

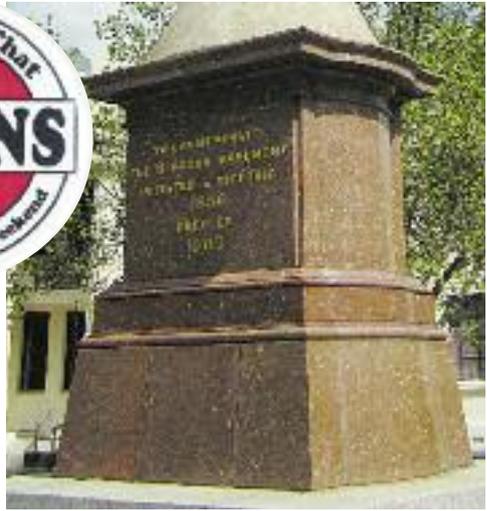
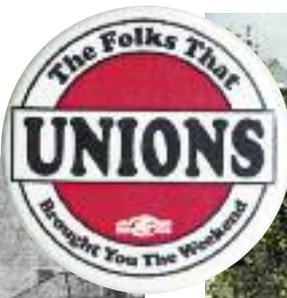
The struggle for civilised working hours in this hard, dangerous and dirty industry has never been easy, and has been resisted at every turn by employers, the press and conservative governments. Yet despite the forces against them, building workers have time and again led the way, winning improvements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

WHO WON WHAT?

Remember, when you have the weekend off or an RDO or knock off after working a full day at a reasonable hour, that without your union, you'd still be working 12 hours a day, 7 days week with no overtime. It was unions that won shorter, family friendly hours. There has never been one minute given up willingly by employers in the last 160 years.

WORKING HOURS

Having said that, employers and draconian laws from The Liberals would like a return to the dog eat dog days – they are trying it on already. If we don't stick with the union... we'll all come unstuck!



Union history to a Tee!

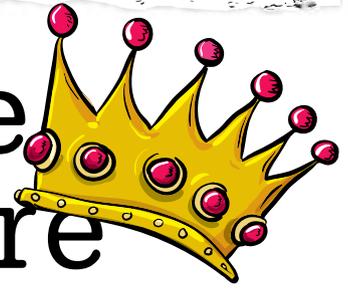
Union shirts have always had a special place in our union. They are worn with pride on and off building sites. Over the years union shirts have been produced to proudly display job classifications, campaigns, work sites and more. These days many old shirts have become collectables. Here's just a few sent in by one of Life Members (who wished to remain anonymous).

We hope these bring back a few well-worn memories. If you have any old union shirts take a pic with your mobile phone and send them to editor@cfmeuwa.com

Remember the union office has many new union shirts available – pop into our office anytime between 7.30 and 5pm or ask your CFMEU organiser.



Builders abdicate from Kings Square



IS THIS HOW YOU WIN A TENDER?

When Leighton Properties pitched their costs to win the Kings Square Development tender they also threw their hat in the ring to provide a major naming rights tenant, with their company John Holland taking up space in one of the new buildings.

The WA government must have thought WOW! What a deal. Cheap prices and we get a major tenant to boot!

...NOT QUITE.

John Holland, albeit now under new ownership, looks like they won't be taking up a building in Kings Square as their thumping new HQ, but it appears they will be responsible for rent until a new tenant is found.

Leighton's have pulled out of the entire development leaving Mirvac to decide if they'll go it alone or seek another partner to complete the mammoth job.

Whichever way you look at it, it's a bit of a cock up. Workers have borne the brunt of lower wages and conditions as well as poor safety on the site. A worker was killed on day one of the development and asbestos has been dug up on the site.

There are concerns now that the Wellington Street Project could sit dormant for years as was the space on the old Westralia Square site which now houses the National HQ of BHP (a site that was union built on time and on budget)

The state government could do a lot more to encourage other multi nationals, including those from SE Asia, to set up their HQ in Perth. Why not?

The West Australian reported: "Completion of the Perth City Link will probably be delayed after Leighton Properties pulled out of developing eight sites – the second company to abandon its plans for the key State Government project in the past six months."

In what the Opposition describes as another major setback for the development of the Perth CBD, Leighton has quietly walked away from the project, following Thai developer Minor Group that abandoned plans for a hotel and mixed-use development on two other Link lots.

Leighton had been committed to developing eight commercial lots with Mirvac, which is still in talks with the Metropolitan Redevelopment Authority.

Let's hope sanity prevails and good builders finish the precinct with organised union labour to bring it in on time and on budget.



Labour hire needs a review: shut down all the dodgy operators

JOIN THE UNION & FIGHT FOR SECURE JOBS

Labour Hire companies have come under the spotlight in recent times mainly due to the dodgy practices being carried with fruit pickers and casual farm labour, but it doesn't end there!

In the construction industry it has become a plague that has ripped workers off, put workers safety in danger, cost the federal government billions in tax income and made millions for companies who can operate with a laptop in the back seat of a car.

Workers are hired with little or no experience in the task they are being employed to carry out. Lives are put at risk. Safety inductions either don't exist or are so minimal you would learn more from playing a quick game of Snakes and Ladders.

Many Labour Hire companies do not give a toss about workers. All they care about is placing as many workers in a job as quickly as possible, so they can get their fee and commission.

The employers who they act for, only care about getting workers paid as low as possible, in order to increase their profit. Employers also don't want the responsibility to collect tax, cover sick leave or pay

superannuation or any other entitlements.

An Australian Business Number (ABN) is the order of the day. No ABN. No start.

In Europe where there is a strong campaign against the scourge of Labour Hire companies, employees who are sub-contacted through Labour Hire are called 'Bogus Self-Employed.'

An ABN number here does not mean you run what would be deemed as a regular small business. It's just a convenient way for employers to abrogate themselves from any responsibility.

A lot of companies now see workers as a disposable commodity to be picked up through Labour Hire companies and tossed

away when finished with no on-going role, or loyalty and no job security.

Finally, there are no regulatory requirements (such as financial guarantees, authorisation of operation or limitation on scope of activities) for private agencies to act as intermediaries for the supply of work.

There is little or no regulation of the labour hire industry. The wheat needs to be sorted out from the chaff. Good ones are those who seek to develop ongoing relationships with key stake-holders and the workforce.

At the forefront should be productive Enterprise Agreements – good wages, good conditions and good jobs with a future. Anything else is just a rort and workers and their unions must stand up together and be prepared to rid our industry of this cancer.



Hard work doesn't kill anyone, negligent companies do!

Gerry Bradley and Joe McDermott. Their names should still be written on Christmas cards, Birthday cards, their future children should be calling them Da and their names should be shouted with joy at future celebrations. Instead their names are entombed in time, their lives still forever.

Two young men went to work and never came home. It should never have happened, they never stood a chance. All that is left now is the pursuit of justice.

4 months after a tragic accident at Jaxon's Bennet Street site took the 2 lives of Gerry and Joe, there are more questions than answers. But was it an accident? An accident seems to suggest that it was an unlucky random circumstance. In our view, what happened was completely avoidable. It happened due to poor safety practices, non-compliance to established safety systems, lack of supervision and cost cutting (engaging the cheapest contractor to perform the work, installing the bare basics in regard to the gantry) putting profit before safety.

Recently Gerry Bradley's father, Gerry Snr and his Uncle Eamon, travelled 12,000 miles from Ireland to seek answers on what happened, how and why, and to try and make some sense of it all. Together with Gerry's partner Shelley, they approached Worksafe WA. At the meeting, a Worksafe official made a flippant remark that it could

be treated as a traffic accident. This sounds to us like Worksafe heading down a path to abrogate themselves from any responsibility to investigate this case and take to prosecution as work related fatality. Wrong! Make no mistake, in our view this was not a traffic accident. The boys didn't run out on the road in front of the site and get hit by a car. They were having their morning break at the front of the site, where there was no exclusion zone established. According to Australian standards there should have been an exclusion zone around the area where the panels were being off-loaded. There was little or no supervision, during a crane lift involving concrete panels which allegedly were not loaded onto the truck in the correct sequence which subsequently led to a change in the work process. The change management process was not followed and the worst possible outcome was the result. The family of Gerry Bradley want to see justice done, most of all they want to make sure this doesn't happen to anyone else. Worksafe WA need to make this, and all cases involving workplace deaths, a top priority. If it was a murder case it would be done and dusted within 6 months. WorkSafe advised the family that it could take up to 3 years for the investigation to be completed and that's just not good enough. Gerry Bradley's partner, Shelley said; it's just very frustrating that they can't give us any updates ... it could take up to three years, and in that time, somebody else could lose their life. In the event of a new state government next



Shelley Alpin with Gerry's uncle Eamon Bradley (left) and father Gerry Bradley Snr.

year, there should be a full inquiry in to the performance of Worksafe WA with no stone left unturned from the top down.

All too often they are reactive rather than pro-active. They should have a flying squad which continually inspects those builders which have the most complaints against them. Jaxon falls into that category.

Fines are not enough. New laws should come into effect for Industrial Manslaughter. Negligent bosses should go to jail. At the very least, companies who avoid good safety practices resulting in a death should be banned from tendering on Government projects for a minimum of 3-5 years. Maybe then, employers will begin to take safety seriously.

The CFMEU will do all it can to ensure this doesn't end up in the too hard basket and that the full force of the law is brought to bear. So far, the Bradley family haven't got a lot of answers, but Jaxon the chief contractor has a lot to answer for. Watch this space.

In the meantime if you work on an unsafe site, contact the union on 9228 6900 – the life you save may be your own.

Stand up. Speak out. Come home.

Underpayment of correct wages

ARE YOU GETTING RIPPED OFF?



STAND UP FOR WHAT'S YOURS!

Do you really know how much you are entitled to? What is your correct hourly rate of pay?

How do you know if you are getting ripped off? What do you do to get your money back and what protection do you have?

It is illegal for your employer to pay you less than what is set out in your award or agreement. This includes your hourly rate as well as your allowances and entitlements.

There are many instances where bosses rip off their workers. In the extreme you have the recent 7/11 Convenience Store case where a worker was paid only 47 cents an hour!

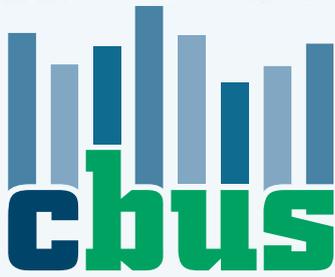
WHAT TO DO – FIND OUT FOR SURE...

If you are being underpaid, or think you are, if you don't know your correct hourly rate of pay for your classification, find out for sure. Call the union on 9228 6900.

Some things you should also consider:

- Keep your pay slips (if they are being given to you), or keep a diary of the dates and amounts that you are paid.
- Talk to your co-workers. Are they being paid properly, or are you all being underpaid? It is easier and more effective to confront your boss about underpayment as a group than individually.
- Tell your boss that you need to be paid at the correct and legal rate. You are also entitled to back pay for the pay that you have missed out on. Consider writing this in a letter.
- It is illegal for an employer to sack you because you have asked for the correct pay. If you lose your job because you asked to be paid correctly or lodged a complaint, then you can lodge an unlawful termination claim.

Don't be ripped off, it's your hard earned money that employers are using to line their own pockets and increase their profits. Need assistance? Call us now on 9228 6900.



140 William Street was a Super Safe job!

Cbus has always been one of Australia's best performing industry Super Funds, but did you know Cbus Property also invests in projects to benefit its members?

Cbus Property is a unique property investor and developer with the company's core business a reflection of Cbus' philosophical commitment to investing in the Property and Construction Industry, which employs its members.

In 2006, ProBuild was awarded the contract for the design and construction of a new mixed-use Cbus funded development on the northern edge of the Perth CBD at the juncture of William Street, Murray Street and the Murray Street pedestrian mall, directly above the Perth underground train station. The project commenced in mid-2007.

This project has revitalised the landmark CBD site, integrating 36,000m² of A-Grade commercial office space, a multi-storey car park and 7,000m² of retail, food and entertainment tenancies.

Recently a plaque on the site was unveiled by Danny Gardiner of Cbus Property to honour those who built the project and to recognise the projects outstanding safety record during construction.

Safety Rep Mick Evans and site Delegate on the job Jimmy Reid were in attendance. CFMEU WA State Secretary Mick Buchan said it was a credit to both Jimmy, Mick and all the workers that 140 William Street was built on time on budget without any deaths or major injuries. We look forward to building more landmarks in Perth. Union built is quality built!

Right: Mick Evans and Jim Reid on site, 4 months into the project.



Plaque unveiled on the William Street Side.



CFMEU puts companies on notice over R&R Claim

MASSIVE FIFO BACK PAY CLAIM – REGISTER NOW

The CFMEU WA is leading the way on a massive back pay campaign. So far, the response has been fantastic.

The Fair Work Commission has ruled that you cannot serve your notice period whilst on R&R.

If you were given notice of termination and served that time while on R&R, you may be entitled to join the CFMEU's back pay claim.

The Fair Work Commission's ruling acknowledges that you're entitled to R&R and you are also entitled to payment in lieu of notice if you don't work out your notice.

FIFO WORKERS FLOCK TO NEW WEBSITE AND REGISTER FOR BACK PAY.

After several years of hard work by your union and others, the CFMEU welcomes the recent decision from the Fair Work Commission clarifying that construction workers on FIFO jobs cannot be made to serve their notice period during a time they were scheduled to be on R&R. It's a huge win for all workers.

During the past couple of years the CFMEU has seen the practice of giving a worker notice as they are due to fly out on R&R become almost an industry standard. We have, over this period, represented numerous workers who have been subjected to this treatment and we have had disputes with most of Australia's large contractors on this very question.

We have sent letters to all of the major construction Projects in the North West, Gorgon, Wheatstone and Roy Hill, and reminded them that the Fair Work

DOES THIS AFFECT YOU?



REGISTER NOW...www.not.cfmeuwa.com

Commission has now ruled definitively on this matter and our expectation, as the Union representing many of these workers, is that this practice will stop immediately and workers will be paid the money rightly due to them.

In addition to this, we are informing our members that if they have lost money historically because of this practice, we will be working over the coming weeks and months to make sure that every cent owed to them is paid. We remind employers that we can go back six years, and we intend to do so. This is a huge win for FIFO workers. If you were given notice while on R&R and think you might have a valid claim, register at the website below so that your union can get to work on getting you paid.

IT WON'T HAPPEN OVERNIGHT.

We ask you to please be patient, it won't happen overnight, and the bosses will probably challenge the decision and keep putting up hurdles but we will fight hard all the way to get your money back in your pocket.

See more information and register now at <http://www.not.cfmeuwa.com/>

Put the website in your favourites list and keep looking for updates and let any workmates know who may be affected to get on board and register. In the meantime stay 100% financial.

In brief, the decision of Fair Work Australia is vindication for the position this Union has taken over many years. And to those employers that think they can avoid our reach, I would say think again. Do the right thing and pay the workers the money they are rightly owed.

Further to the recent decision in the Fair Work Commission we understand that Kentz Australia have appealed the decision and this will now be put to a Full Bench of the Fair Work Commission.

This is not unexpected, does not in any way change the CFMEU's position on the matter and we are still very confident that the Full Bench will continue to find in favour of workers.

In any case, the WA Branch of the CFMEU has developed a strategy that does not rely on the decision of the Fair Work Commission. Watch this space for updates!

Robe River: Then and now

Exactly thirty years ago, work and industrial relations in the Pilbara were turned upside down. A tumultuous attack on unions in the Robe River Company undermined unionism in the iron ore industry and, as it turned out, began a transformation affecting industrial relations across the country. Its impact continues to this day.

For those outside the Pilbara – and for plenty on the ground too – the 1986 assault came out of the blue. It began in Perth, not the north-west. On the morning of 31 July 1986, Robe River's relatively new CEO, Charles Copeman, dismissed Robe River's managers who, he believed, had been too union friendly. Turning up for work on St George's Terrace, their jobs were gone.

Attention quickly turned to the No. 1 enemy: unions and their workplace power. Ian McRae, Robe's General Manager Operations, informed the mining unions' State Secretaries that existing agreements about work practices were to be abandoned for 'procedures ... solely determined by the Company'. He told the union convenors at Robe's mine and port that all 'previous arrangements ... are hereby nullified and have no further effect'. Finally, he wrote to the workforce saying that anyone supporting what he called a 'restrictive work practice' was putting their job 'at risk'.

Just in case anyone had failed to get the message, McRae summed it up: 'Management decisions will be made by management'.

Where had this belligerence come from in what had been a union stronghold?

The background lay in a change of ownership. Peko Wallsend had bought into Robe River in 1983 and then at the start of 1986 had secured a majority share of the company. Peko's chief, Copeman, made it clear he intended to run, not just own, the Pilbara operation and that he was going to

take on the unions.

Copeman was a member of a 'new right' group working to reduce union power, the H. R. Nicholls Society. He said that he had been 'inspired by that memorable weekend early in June 1986' when the Society was formed and by 'encouragement to initiate change' at Robe River.

At the same time, the Commonwealth Labor government was working with unions to make workplaces more 'flexible' as – like most affluent countries around the world – the economy came under pressure from what we would now call globalisation.

The workforce would be caught in a pincer between a tough anti-union employer and a government keen to modernise the economy, preferably with union cooperation but if necessary without it.

So it was that Robe River, one relatively small site in the apparently isolated Pilbara region, was now the centre of national attention.

Robe River was a key site because, as elsewhere in the Pilbara, the workforce had created what an employer lobby group rightly called an 'experiment in worker participation and industrial democracy'. This meant controlling things like overtime, work allocation and even parts of the production process. The unions also dominated much of community life in Robe's towns, Pannawonica and Wickham.

The Pilbara unions' way of doing things was now demonised as unsustainable 'restrictive work practices'. At the end of October 1986 the WA Industrial Commission largely agreed with the new employer and outlawed most of the unions' practices. Peko was winning back control of Robe River.

The full extent of management's determination to control work and isolate



union activists went far beyond courtrooms. In August, the new managers had locked out the entire wages workforce of 1,100 people after the unions had won the reinstatement of 60 workers who had been sacked. The most notorious management ploy in the Pilbara itself was the formation of a 'Special Projects Crew', the members of which were given tedious jobs to do, and the 'Clean Up Group' (the 'grot squad', said the workers) which was assigned to menial tasks in the town, including sweeping streets near the school workers' kids attended.

Over the summer of 1986-87 there was a short strike which closed Robe River down and left the local unions isolated from state and national leaderships, much weakened on the ground.

The employer's power grew still stronger. After this, with the unions seemingly broken, national interest faded away. But employer hostility did not. A war of attrition continued. Peko had sold out but the new owners, North Broken Hill and then Rio Tinto, kept the anti-union flag flying.

The battles raged on: over the right to hold union meetings; pressure to sign a 'personal commitment form' to get wage rises; civil action against striking tugboat operators; the dismissal of members who attended an ACTU day of action in 1992; Robe taking the trouble to go back to the Commission to stop an award payment for sickness and accident insurance for just five members of

the AWU. Nothing was too small a matter to keep making the point: unions were not welcome.

The company's final victory came in 1993 when a conservative government was elected in WA. New labour laws promoted individual contracts which Robe River straight away 'offered' to the workforce. After years of being belted and with most local leaders gone, almost all the workers signed up, quitting their unions.

The validity of the union strategy still causes debate. Did the unions live to fight another day or had they sown the seeds of later decline by not 'pulling out the Pilbara', as many had demanded, in support of the Robe workers?

Whatever the merits of the chosen path, the door was open to employer control of the workforce – longer shifts, FIFO and the decline of community all became the norm. The biggest site in the Pilbara,

Hammersley Iron, took up the non-union option right after Robe's 1993 move. BHP went the same way from 1999. When the metalliferous mining sector boomed again in the 21st century, it was with an almost entirely non-union workforce.

What had happened in the Pilbara affected workplaces across the country. Because of the capacity of mining employers to shape policy debates, national legislation in 1996 and 2005 undermined the bargaining power and union rights of all workers, including those without the earning capacity generated in mining.

Thirty years on, the shadow of the Robe River dispute still falls over the Pilbara, the resources sector and Australian industrial relations more widely.

CFMEU National President Joe McDonald remembers the Robe Rive Dispute well.

In the aftermath he says; **"After all these events unity had to be rebuilt, more**

importantly, unions had to regain the trust of the workers. The CFMEU made a conscious decision to sail its own course and to get back to basics with organisers on the ground. Straight talk, hard work and a lot of listening was the order of the day. The workers had enough of companies driving wedges between the various unions and unions fighting amongst themselves, against this prevailing attitude the CFMEU set about fighting for its members. The Unity of which and with other unions can be seen today in recent victories for workers in the North West."

Bradon Ellem is a Professor of Employment Relations in the University of Sydney Business School. He is writing a history of industrial relations in the Pilbara's iron ore industry which will be published by University of Western Australia Press.

▶ CFMEU : FIFO NEWS

with Graham Pallot

Your Union, with active support from the Rank & File, does make a difference. We are off to a flying start again in 2016 with the Notice on Termination campaign going full steam. If successful, this will mean the recovery of hundreds millions of dollars across the FIFO industry in Australia.

For example, the CFMEU is of the view, that potentially in the last round of retrenchments on the Gorgon project it could owe 5 to 6 million dollars alone! Countless hours of unseen work, has already been done by the CFMEU in devolving the underlying case over the last couple of years. Now it's ready for court action with your help.

Please read the related article in this journal. Great news about the 23 & 10 roster campaign on the Gorgon Project. The new project agreements for the Gorgon Project are now done and dusted and the 23 & 10 roster has been established across the

project. Hypocritical Gorgon Project Supervision are still required to work 26 and 9 rosters with the devastating effect still enforced upon their families. This is the case more so, when the loved ones fully understand that the Organised Union Workforce have achieved respect for their loved ones. From an anonymous source, the client is moving all supervision over to the 23 & 10 roster shortly, as they are concerned it highlights the value of Strong Active Unions. Fact: The Best wages and conditions are achieved by Unionised Workforces. Why would you not want to be in the mighty CFMEU?

Assist working class struggles by helping communicate the struggles. It can be as simple as passing on the journal (once you have read it) to another construction worker. Like our Facebook page at CFMEUWA. Actively encourage financial membership in

your Union. By joining the Union, you are not only participating financially, you are making a commitment to your brothers and sisters in the Union.

Join the 200 Club, it only cost \$200, in fact I proudly own 3.

Join the Construction FIFO Branch of the ALP.

I would like to invite you call me on 0419 812 865 or email me your contact details gpallot@cfmew.com as I would like to personally discuss with you the value and reasons of supporting financial membership, the 200 Club, Construction FIFO Branch and any issues or questions you have to do with your Union.

Most importantly, you need a financially strong Union to run and organise campaigns, to spread the word, to take employers to task in courts, commissions, rally's and protests etc. Be 100% paid up and proud.

Safety standards in the construction industry are unacceptable ...WHY?

BOSSES CUT SAFETY FOR PROFIT!

SAFETY CUTS EQUAL LIVES LOST!

The Barnett Liberal government has reduced funding for WorkSafe at a time when safety standards are at a level going back 25 years. I'm not the only one saying safety standards are that bad, this view is supported by nearly every worker I talk to, the MBA, project managers, supervisors, builders, subcontractors and even developers!

You don't see inspectors on the job like in years past, you can't get an inspector on the job if you have a serious concern without going through a process, and that means they will probably get there after the company has got away with risking a worker's life. When they do conduct a campaign they warn the builders that they are coming, how is that going to improve safety standards??? If you want any feedback on an issue you have reported you have to go through the freedom of information process. Talk about transparent.

I SAY WHEN THE TEAM IS NOT PLAYING WELL THE COACH HAS TO GO!!!

I will leave the last word with Kim Richardson of the Master Builders Association (MBA) with his response to the Jaxon incident which cost two young men their lives.

Mr Richardson said the safety watchdog WorkSafe needed to step up its presence at commercial building sites. "People are just not listening to the safety message," he said.

"When someone is driving down the freeway and they see a police car they automatically slow down and check they're doing the right thing.

"WorkSafe hasn't had the profile in the commercial sector to provide that influence and that presence to ensure that the message of safety is constantly there at the forefront of people's minds," he said

GOVERNMENT LEGISLATION

The Federal and State Liberal Governments have been increasingly introducing legislation which restricts a union's right of access to jobs and workers. Legislation also restricts workers freedom of speech meaning you cannot take action to protect your own rights at work without the risk of being threatened with thousands of dollars in fines. There are three cases at the moment where a couple of hundred workers are being prosecuted for standing up for themselves and fellow workers.

The Fair Work Building Commission (FWBC) were supposedly installed by the government to police fair work conditions. I take that as ensuring employers pay at least the statutory requirements, that workers are not worse off and protected against bullying by employers, investigating tax avoidance, employment and exploitation of illegal migrant workers etc. Instead the FWBC spend their time helping employers keep union officials from getting onto sites and ensuring

workers safety and pay and conditions are met. They assist employers by trying to set union officials up for prosecution. I thought that was entrapment. The sad thing is we all as tax payers are funding the fight against us. It annoys me when I hear a politician say that's un-Australian, I think what the governments of today are doing to the people is un-Australian. Elected by the people for the people, I don't think so. The latest legislation (the code) the Libs are trying to introduce will take more of your rights away

For this one I say when the team is not playing well the team has to go!!!

DEREGULATED MARKET

Changes in legislation and the lack of appropriate supervision, direction, monitoring and transparency of government agencies (WorkSafe and FWBC) that were set up by the government to protect workers allows builders and subcontractors to undercut each other in a vicious cycle to win work, the cheapest price gets the job and if they survive without going bankrupt they keep going. Trouble is a cheap price means cutting costs to survive and safety, wages and conditions are the first areas to be hit.

This also puts workers in a position that if they speak up about a hazard that could potentially take a life they risk losing their low paid job, so they say nothing and the boss knows he can get away with a bit more.

Continued over

Continued from previous

Most builders, subcontractors even the MBA and some developers agree that when we had a regulated market the industry was in much better shape and safety standards were way ahead of today's standards. The only difference now is that smaller builders and subcontractors are cannon fodder to the big boys who are the ones making the profit and they like it that way. I recommend you speak out, I'd rather lose my job than risk serious injury or death. In some countries you can be shot for being a union member, why are bosses and politicians so scared. Think about why they want to keep the CFMEU off the job.

CUT SAFETY RISKS - NOT UNION RIGHT OF ENTRY

They don't want workers, and in turn their jobs, to be organised so that you go to work knowing you are safe and you have rights as a human being. They are greedy and they want it all at your expense

Exercise your right to be a member of a union, get organised and create a safe productive workplace where workers have rights, good working conditions and pay and want to go to work. We are willing to share for our safety.



▶ CFMEU : NORTH WEST ROUND UP

with Brad Upton

There's no more bunk-bedding at Wheatstone, thanks to Mick Buchan, his team and the rank n file on the floor. United, we have stopped the worst condition I have seen on a work site.

We have a few legal things going on up at Wheatstone, see stories in this edition. I would like all the rank n file to get behind our delegates on site and try and help them as much as you can.

With a strong and supported delegate structure we are starting to increase membership on site. This will make the site stronger, with more information getting to you faster and getting answers back as well.

Barrow Island, now all the flights are out of Perth, Graham Pallot is looking after it. I am glad before all of the flights went to Perth that I got the agreement done, the best agreement in Australia in construction. A big thank you to Mick Buchan and his team and all our delegates.



NEW JOB IN THE NORTH WEST

North West Shelf Train 1 first UGL and Cape their new agreement have some good points and not so good points. One of the positives is that they are paying super on all hours worked, which means if you work 70 hours you get super for 70 hours. They have also changed the roster to 19 and 9.

I would like to thank Mick and his team for all the hard work behind the scenes with Parliamentary Inquiry into fly in fly out, that and the mighty fighting CFMEU is what has changed rosters all around the north west. The only job that has a bad roster in the north west is Wheatstone and we are hoping to change that sooner than later.

Sometimes the rank n file don't realise how much work and time goes into fixing these things and the many working hours behind the scenes that go into it, but the CFMEU WA is committed to spending the hours and the money to keep fixing as much as we can by either political, legal or whatever it takes. Please make sure that you stand by the union as they keep the good fight going.

To all members out there, it is membership renewal time. I want you to try something new when you send in you renewal. Talk to one person and get them to join the union and send in their form with your renewal. You can also do renewals over the phone, to Perth office on 9228 6900, or after hours to me on 0488 770 857 or email bupton@cfmewa.com. Pay up and be proud. Make our branch the strongest in Australia again.

The more members, the more organised "the stronger the union"

Rigger achieves lump sum settlement for injured back

A CFMEU member who was working as an Advanced Rigger has been awarded a cash lump sum in compensation thanks to the CFMEU and Slater and Gordon.

The construction firm worker was expected to continually lift and carry chains weighing around 50 kilograms every day.

When undertaking this physically demanding work, he had no mechanical assistance – such as a ‘spreader’ bar which would make it easier to manoeuvre the large blocks.

Consequently, in July 2014 he suffered an injury to his lower back while performing his duties.

His injury was so serious he needed spinal surgery and has suffered a permanent impairment. He will not be able to return to his pre-injury duties as a Rigger.

Workers’ Compensation lawyer Nakkie Le

Roux said the member initially lodged a claim which had been accepted and he started receiving his Workers Compensation entitlements.

“He had been handling his Workers Compensation claim himself, but decided to contact the Union when he realised that his injury would permanently impair his ability to return to work in his usual job,” she said.

Even though claims seems to be progressing well, it is best to contact the Union to see if more can be done.

“We were able to investigate a potential common law negligence claim, however he was assessed to be below the required impairment for purposes of suing his employer.

“Under these circumstances, he instructed us to enter into informal settlement

negotiations, to resolve his Workers’ Compensation entitlements claim.”

Nakkie’s client was over the moon with the outcome of his legal claim.

“I’m glad I decided to seek expert legal advice from Slater and Gordon and not just handle the claim on my own – this meant I was really able to maximise the possible outcome,” he said.

“My employer agreed to complete a positive reference for future work because I can’t work as an Advanced Rigger anymore”.

“I now have a cash lump sum for self-rehabilitation and re-skilling which is going to be great help in moving forward after this life-changing injury.”

If you need help or advice call the CFMEU WA office on 9228 6900 for a referral to Slater & Gordon

▶ CFMEU : UNION NEWS

with Mick Buchan

Labor Movement Internship Program 2016

The Internship Program was the brainchild of ALP Senator Chris Evans. In early 1994 Chris proposed an annual program to provide opportunities for young people to gain exposure to all aspects of the Labor Movement.

At that time there were very limited opportunities for young people to be introduced to the ALP and the union movement and to build their personal network to allow them choices for the future.

The Internship has been strongly supported by the CFMEU for many years.

Over the past 20 years the vast majority of the interns have gone on to secure employment of various forms in the Labor Movement, with a number of them now in senior positions.

This year again, the CFMEU hosted a Sundowner at Trades Hall for all the selected participants.

The Association Committee expresses its deepest appreciation to the CFMEU and the other unions which have offered their generous support over the years.





We continue to get a huge volume of calls from members who have been unfairly dismissed from their employment. Almost all of them have good grounds for lodging an unfair dismissal application and it constantly frustrates and angers us just how slapdash some employers can be in the way they treat their workers.

Even more frustrating for us, and usually our members, is the relatively limited options open to a worker even if they have been unfairly dismissed. In short they can either be reinstated or be compensated. Truth is though that practically speaking even this is a bit deceptive.

If we look at the Fair Work Commission's reported figures we can see that in the last financial year, 1 July 2014 to 30 June 2015, around 80% of unfair dismissal applications

settled at a conciliation conference without the need to go to a Hearing. Of those that were settled at conciliation less than 1% led to the worker being reinstated to the position they were unfairly dismissed from. Of the 20% that went through to an arbitrated Hearing in front of a member of the Fair Work Commission then only 12% of that 20% were successful at Hearing and only 1% of that group got their job back. The reality is that even though reinstatement is the primary remedy under the Fair Work Act you've got Buckley's of getting your job back.

So where does that leave us then? Compensation is the only real statutory remedy left and the Fair Work Act says that the maximum you can get is six months wages. That sounds like something at least, even though it doesn't adequately compensate for the trauma and loss usually suffered. Once again though the devil is in the detail.

The Fair Work Commission reports that of the 80% of matters settled at conciliation the usual settlement is somewhere between \$1000 and \$8000. In the last financial year, at conciliation, less than 1% of workers settled for the maximum amount and only 6% of

workers got over \$15,000. For those matters that went to Hearing and were successful the numbers are not much different. It should be noted that only two workers across the whole of Australia during a period of 12 months were awarded the maximum compensation of six months wages!

There are other remedies that we can seek at conciliation, such as an apology or resignation, but nothing compensates for having a job and having that wage come in.

So what do we take from all of this? Contrary to what employer groups will have you believe the remedies available for unfair dismissal are not generous and very seldom do they adequately compensate a worker for being dismissed unfairly. Companies can act in a harsh and unjust manner knowing that the comeback on them is limited and ineffectual – \$6000 pay off for a multi-national sound right? Didn't think so.

Nevertheless, if you think you've been unfairly dismissed you need to be a member of the Union and come talk to us. The options open to you might not be great but nobody has more experience than us in achieving the best outcome from a bad system.

Thiess Travel Claim Wheatstone

Following our update of November 2015, we have made significant movement in progressing the legal action against Thiess and their refusal to pay money owed to those who worked on the Wheatstone Project.

We had an overwhelming response to our request for Authority to Act forms and received many more forms than we expected. After receiving these forms we sent a cross section of them to Thiess, about 90 forms, and asked for all the wage records related to those workers.

Although Thiess took longer than we would have liked to comply with our request, we have now received all the wage records and are working through them individually in order to make our claim with the Court. Our in-house legal team are meeting with a local barrister during the first week of March to finalise the legal strategy around the application and this should hopefully coincide with us having done the initial assessment of the wage records.

As we have made clear from the start, in the absence of Thiess agreeing to pay, this may be a long process. Rest assured though that the work we are doing now will stand us in good stead in the long run. In brief, we're working hard on this matter, we're making progress and we're ready for the fight ahead!

Stay financial. Stay strong. Fight back. Any questions contact Graham Pallot at gpallot@cfmeuwa.com or 0419 812 865.

Federal Court case against 101

33 CASES DROPPED DUE TO 'LACK OF EVIDENCE'

Ask yourself this; would you expect to be charged without any evidence against you?

The case before the Federal Court in Perth against 101 workers charged with attending a union meeting has descended into a complete farce according to Mick Buchan, State Secretary of the CFMEU WA.

Just prior to Christmas, 5 workers had their cases withdrawn due to 'lack of evidence.' Now that number has increased by a further 28 cases to a total of 33, presumably also due to lack of evidence. No apology or explanation has been offered by either Nigel Hadgkiss of the FWBC (hoping to return as the ABCC) or his lawyers.

"THESE CHARGES SHOULD NEVER

"These charges should never have been laid. You would think in a just society that before anyone was charged with anything the Fair Work Building Commission (FWBC) would have their evidence and facts in the bag. This is obviously not the situation and we call on all charges to be dismissed and to have the remaining cases dropped. It's a farce and an embarrassment to the Federal Government." said Buchan.



workers descends into farce!

TURNBULL'S FWBC EMBARRASSED AGAIN!



Malcolm Turnbull's industrial attack dog – the FWBC – has been forced to drop 33 charges against union members due to a lack of evidence.

Stand up. Speak out. Fight back!

CFMEU

The workers were charged with allegedly attending a union meeting outside the new Perth Children's Hospital, a meeting at which the workers were informed and invited to discuss a whole range of pertinent issues affecting them and their industry. The workers were charged 2 years after the meeting took place, then had to go through a further 8 months of hell dealing with lawyers and being pulled through the courts.

Some of the workers charged were from the St John of God Hospital projects which were being built at the time in Midland and Murdoch. Neither of these two projects suffered any disruption to their completion deadline as a result of the worker's meeting. The construction phase of both projects were completed on time and budget.

According to Mick Buchan these workers and their families have suffered enough!

"What we have here is a personal witch hunt orchestrated by Nigel Hadgkiss, head of the FWBC, and the federal government to manufacture dissent against our union to be used as propaganda to push the Government's anti-union agenda especially to the cross benches in the senate as they consider the reintroduction of the ABCC. These charges have all the hallmarks of a politically motivated 'round them up at any cost' mentality.

***I call on Mr. Hadgkiss and the Minister Michaelia Cash to explain to these workers why they were ever charged in the first place, despite the obvious lack of evidence, and why all the remaining charges should not be dropped."* Buchan said.**

CFMEU BUST BOOMS at BODDINGTON

Crane Operators and Riggers around Western Australia have become increasingly pissed off about the efforts of Freo Group and Boom Logistics to wreck their pay, conditions and job security. Whilst we continually hear the bleating of the bosses about how tough it is operating in a 'competitive environment', both companies have actively resisted the CFMEU's request to get every Crane and Rigging Company in the same room, in order to sort out an Industry Standard Enterprise Agreement for the Mobile Crane Sector.

Boom Logistics' latest stunt to destroy workers' conditions is to ignore a legally binding Enterprise Agreement and pay workers rates and conditions under a different Agreement that are significantly worse.

If the CFMEU broke the law, every Tory politician in the country would be frothing at the mouth whilst denouncing the "lawless actions of the union". The hypocrisy of the Liberal politicians means that nothing is ever said about companies such as Booms snipping workers' pay packets.

In early 2015, Boom Logistics claimed that they had created a new "Shutdown Division" within the company. As a result, they recruited a number of handpicked casual 'employees' (including a couple of supervisors) to 'vote up' an Enterprise Agreement. The Shutdown Agreement significantly undercut the established Enterprise Agreement that already applied to the work covered by the new 'Shutdown Division'. No negotiations took place in getting the shutdown "Agreement" over the line. This in itself shows how farcical



enterprise bargaining has become when unions aren't involved in the process

BOOMS ACTIONS UNLAWFUL

The CFMEU has consistently maintained that workers engaged in places such as the Boddington Gold Mine should continue to receive the wages and conditions they were paid prior to the 'Shutdown Division' being created. The very idea that companies can create bullshit divisions within an existing company for the sole purpose of reducing workers' wages is nothing short of outrageous.

The likes of Boom Logistics rely upon the fact that they believe existing employees won't take them to Court as they fear being sacked. Looking at the industrial record of the cowboys working in the mobile crane industry, workers have had every reason to be concerned about having their heads chopped off.

Who can forget the disgraceful action of Freo Group last year when they sacked a number of permanent Crane Operators and Riggers from their North West yards after workers had voted down a sub-standard Enterprise Agreement. How dare workers refuse a 30% pay cut.....!! Unfortunately for Booms, one of our solid members has ignored the perceived threats of industrial retribution and has requested the CFMEU prosecute Booms in the Federal Circuit Court. This will be a welcome relief to our other members who will be back paid in the event we are successful in our prosecution of the company. For any non-union Crane Operators and Riggers who have worked for Booms, they will probably just remain being ripped off, as there won't be anyone fighting their battles for them.

I will keep members informed about the developments in this important test case.

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ALCOA – THE LATEST MULTINATIONAL TO WAGE INDUSTRIAL WAR ON WORKERS

At the time of writing, members working for Downer Group at the Alcoa Refinery have voted to take Protected Industrial Action in pursuit of a long overdue wage increase. Alcoa have made it clear to sub-contractors that they want workers to cop a pay-cut to boost company profitability. During the resources boom, Alcoa bust their balls to keep wage growth to a minimum. Now that commodity prices have copped a bit of a hit, they have attacked their sub-contractor workforce in their misguided belief that workers are an easy target.

Whilst it is true that many West Australian workers (particularly those employed directly by multinational companies in the metalliferous mining sector) have lain down at

the feet of the boss, there is no such misguided loyalty amongst the Downer workforce. No wonder, considering they haven't had a pay-rise since 2013.

To the credit of the Downer crew working for Alcoa, there was a 98% YES vote in favour of legal, court sanctioned industrial action. This will allow members to give Downer a touch-up in advance of their Enterprise Bargaining claims. Downer (with the tacit support of Alcoa) have commenced searching in the murky depths of society for an expedient scab labour force to replace our members whilst they are on strike. A cheap-arsed body hire outfit called FlexiStaff (who are also known by the name Flexiscab) were contracted by Downers to dig up some scabs. Unfortunately for Alcoa, it isn't always easy to find horrible self-serving scabs and Downer have now owned up to making a 'terrible mistake'. Following community uproar,



it looks like Downer have now sacked the scabs. Good riddance.

Let's not make any mistake about the type of outfits we are up against in this dispute at Alcoa. The sub-contractor thinks it is okay to hire scab labour whilst the client (Alcoa) has just sacked the Australian crew on the Portland and replaced them with foreign seafarers being paid just \$2 per day.

Alcoa's actions are a pretty good indication of where the multinationals are heading in regard to their relationship with Australian workers and their Unions.

We are up for the blue!

▶ CFMEU : UNION NEWS

with Darren Roberts

Don't cut corners with safety

While visiting a site around Cockburn Central I was made aware of an incident that had occurred on another site close by. I made my way around the corner and saw a white sedan had been knocked off the road by another car. A quick chat with some of the workers ascertained that everyone was thankfully okay. Dan, who was working at the time of impact, although a bit shaken was lucky enough to be in able to enjoy a beer that night. As you can tell by the photos, everyone was very lucky.

The white sedan had entered the site at some speed, had jumped the curb, gone through the temporary fence, over some purlins and lodged itself into the last bay of a scaffold, taking out the standard. The lads from JB Scaffolding had done a great job in

staggering the standards and I'm sure this saved a greater collapse. Attention then turned to what could be done to ensure workers were not placed at risk in the future. A simple suggestion of some Water Filled Jersey Barriers to protect the workers on site was listened to by the management team at Frasers Property, and responded to quickly. This goes to show that with everyone working together with workers safety as a high priority lessons can be learned and hopefully we don't have the same situation arise again.

So take a look around your site. If it sits on a corner where the possibility of a car crash is greater, be proactive and insist on some physical protection to the exposed edge of the site to ensure your and your workmates



safety. After all that's what it is all about – mates looking after mates.

"Stand Up, Speak Out, Come Home"

If you need any assistance with any safety issue contact your Organiser or Bob Benkesser on 0419 812 875 – your OHS Specialist at the CFMEU.

FWBC – BGC’s Publicly Funded Goon Squad



On the Fair Work Building Commission (FWBC) website, the FWBC claim that their role is to “regulate the Commonwealth workplace laws that govern the building and construction industry and ensure a level playing field where all industry participants are treated fairly and are committed to doing the right thing”. What a load of bullshit.

At a time when legitimate sub-contractors are finding it hard to compete with labour hire scum and the thieves, cheats and rogues undercutting industry rates (by robbing their employees), the FWBC Inspectorate are marching up and down St Georges Terrace in a zealous effort to prosecute CFMEU officials who ‘step out of line’. It is the sort of bullshit that Joseph Stalin or Adolf Hitler would have been proud of.

As expected, BGC have jumped right in with the FWBC goon squad in a desperate (and ultimately failed) effort to keep union officials off their jobs. It appears that a few BGC boneheads with a pathological hatred of workers and their unions have worked out a slimy deal with the Liberal Government to use the FWBC in their latest war on workers. This is not to point the finger at all of the BGC site managers (some of whom have a good working relationship with the CFMEU and our members).

BGC & THE KEY-STONE COPS

On the BGC-BPI job at 480 Hay Street, the FWBC inspectorate spend their days lurking in the site foyer, waiting for CFMEU Organisers to enter the job and meet with members. Without our approval or permission, the FWBC inspectors shove hand held cameras in our face whilst their BGC masters commence their interrogation of

Organisers about why the Union wants to enter site and which crib shed of members they intend visiting. We are then followed by two BGC bosses, two FWBC inspectors (and sometimes a BGC security guard) onto the job. This is despite these jokers being given 24 hours’ notice of our right of entry onto site. A number of the BGC bosses also wear body-worn spy cameras as part of their key-stone cop surveillance of Union organisers. The FWBC claim that they want a ‘level playing field’ in the building and construction industry and treat all parties fairly is the equivalent as describing Malcolm Turncoat and the Mad Monk as ‘good blokes’. They all have the same stench of Tory Stormtroopers about them. On one occasion, we even had a FWBC inspector invade a union meeting and start telling workers that the Union Organisers didn’t have a right to meet with workers in the crib shed. Whilst he wasn’t quite told to F** off out of the shed, workers made it very clear to this dimwit that they were more than happy for the union organisers to be in the shed. After all, it was union workers who exerted blood, sweat and tears to make builders provide crib sheds back in the 1970’s. Before that, builders forced workers to eat their crib sitting on cement bags and wooden pallets next to a stinking portalo. The likes of BGC and the FWBC would love the ‘good old days’ to return.....

FWBC INSPECTORATE ON THE BEAT

Rather than harassing Union Organisers, the FWBC would have been better served dealing with the shithouse amenities BGC have provided for workers on the BGC-BPI Job

despite it being a \$500 million project that includes the construction of the 5 Star Westin Hotel. BGC have once again dragged down standards on the mega construction projects. Poor amenities, no canteen and unsafe work practices are more their style.

WESTIN HOTEL – FIVE STAR LUXURY BEING BUILT BY NO STAR BGC COWBOYS USING DODGY AMENITIES

Over 80 workers are crammed into two dirty stinking crib sheds. The microwave is dodgy and the air-conditioning packs it in when it hits temperature. Things aren’t going too well for BGC when even their site management claim they have to use the workers’ crib facilities because their own ‘tea room’ is too crammed. On the other hand this was more likely to be the typical crap you’d expect from BGC bosses who have nothing better to do with their time than intrude on union meetings. One of the BGC bossies spent 10 minutes pretending to make himself a cup of coffee while we were holding a union meeting. He was either too incompetent to work out how to use the coffee dispenser and urn or had an agenda of disrupting the legitimate right of Union organisers to meet with members.

The FWBC have turned a blind eye to workers being forced to pour concrete in 42 degree heat and wouldn’t have a clue about OHS or fatigue management. *Continued over*

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It's too much to expect a FWBC inspector to prosecute dodgy builders for breaches of fatigue management and dodgy safety. These shiny arses have never had to do any hard graft on a construction site and spend most of their time living in air-conditioned offices dreaming about how to f*** over union organisers and their members.

BGC BOSSES: "F** OFF OUR JOB YOU F***WITS".**

On one of BGC's Rivervale projects, things are even worse. The BGC geniuses found on this site deal with the Union Right of Entry in the following way. Upon arrival of the CFMEU organisers on site, the BGC goons kick it off with a typical ex-copper attitude – "sign the book and get in your shed". When we explain to these idiots that we have the right to meet with workers in any of the crib sheds they

ramp up the bullshit with the following "f**** off our job you f***wits". They keep the abuse going and start the pushing, poking and chest butting (the BGC goons are obese ex-coppers with blubber guts to suit). The whole time they are dishing out the abuse, the BGC goons have a video camera in our face whilst doing their best to get a reaction from the Union Organisers. Real professional effort from this outfit. Meanwhile the FWBC turn a blind eye as they only have the CFMEU in their sights.

On almost every single job in Perth, builders are robbing their sub-contractors. On the Barnett Government's State Government Supreme Court fit-out project (Broad Construction), the CFMEU have documented proof of the use of illegal immigrants, labour hire firms ripping tens of thousands of dollars off individual workers, sham contract and cash-in-hand payments of hundreds of thousands of dollars. The illegal activities of

the employer rules supreme at the Broad Construction Services Supreme Court project. The Barnett Government stand condemned for allowing the gangsters to take control of the Supreme Court job.

Unfortunately, the FWBC inspectors are too busy trying to f*** over the CFMEU and its members to get out to the Supreme Court job and other projects around town where there is a proliferation of dodgy activity by building companies and the underbelly of the sub-contracting sector.

It is increasingly clear to building and construction laws that the dirty stinking laws being used by misfit builders and criminal bossies need to change. Turncoat and Barnett need to be thrown out at the next election if we are going to restore our lost conditions, fix safety problems and ensure that the illegitimate builders and sub-contractors are held to account.

▶ CFMEU : YOUR LETTERS

Letters to the Editor...



HEARTFELT THANKS FOR CFMEU TRAVEL INSURANCE

"For the last ten years, every time I travelled overseas I had to buy a top-up insurance to cover a pre-existing illness as defined by every travel policy around. This top-up involves answering a very comprehensive medical questionnaire and the payment of anything between \$150-\$200, depending on where you are going and for how long.

My recent enquires were all refused with just about every policy seller in Australia due to my age, destination and in "their" opinion, percentage of risk. (For your info, I had a mild heart attack ten years ago and had a stent put in)

I decided to get in touch with the people that provide the Travel Insurance that we get through our Union Membership, quite willing to buy the expensive top-up from them. To my surprise, I was told that they don't sell top-ups, because they don't form part of the very exclusive insurance policy that we get – which even allow us to travel without having to disclose pre-existing illnesses – and we still get 24 hour cover.

The only catch is that, if you have to see your GP for an illness 1 month before departure and that illness becomes part of a claim once you get back to Australia, your claim could be declined.

In my humble opinion this is a very important quality of our insurance and this alone, when explained properly to prospective new members, should be a decent selling point. Best of all Travel Insurance is FREE to paid up members. We have the best travelling insurance going around in OZ."

Kind Regards

Albert

Builders going out of their way to cause dissent

Hello to all the union faithful and those about to join. What an entertaining few months it has been. We are still dancing with those BGC Management Grubs who think that they are put on this good earth to order, harass and oppress the working class instead of consultation and appreciating and working with the rank and file and union officials for the best outcome for everyone.

BGC's so called safety managers have found themselves the subject of a complaint to police over assault and federal court applications, with hindering union officials exercising their legal right.

Didn't take Jaxon long to be the front runner for the Golden Turd Award at their Charles Street job in South Perth. Why the hell the blokes were up there on a 40 degree day has me baffled in the first place. When mentioned to a Jaxon Official, he just dropped his head and looked away. Jaxon hasn't learnt and is still placing people in danger. Unfortunately if the unmentionable happens again, the workers will get 100% of the blame. They're the ones that are the meat in the sandwich, with management telling them it's up to the subbies and the subbies getting screwed on prices and having to cut all the fat off the profits which means the workers suffer with lower wages and safety.

Over at the new AwFuL Stadium Brookfield Multiplex (BMX) – the Hedge Fund out of Canada are doing their best to destroy a good productive relationship with the workers. They have decided to relocate the parking for around 900 workers to Belmont Race Track, about 1.2 kms from the site. Instead of utilising the nearby golf course. The workers have been told to pay for parking out of their pocket – about \$60 a week. They are also being made to walk back and forth from the car park to the job, across the busiest traffic thoroughfare in Perth at their own risk, in all type of weather. This is a disgraceful act. Someone is making a lot of money out of this parking scam and it's NOT the workers.

Brookfield is refusing to pay workers for the additional 30 minutes travel time workers will now cop as a consequence of forcing workers to park at the Belmont Race Track. The cost to workers in spending an additional 3.5 hours at work – unpaid – is about \$180 per week in pre-tax earnings.

Management have refused to put a bus on from the Belmont Race Track to the Stadium and expect workers to walk to work in pissing rain. Again, the health and safety of construction workers is being ignored by the BMX hierarchy;

Site management have lacked the balls in addressing workers on the



BMX plant to rip \$20 million out of the pay packets of workers on site. The CFMEU have requested a mass meeting – including getting the BMX bosses to explain why they think workers should cop a further reduction in their conditions of employment;

Since the construction of the Fiona Stanley Hospital Project, BMX have forced certain sub-contractors to reduce the pay and conditions of their workforce by over 50%.

In 2015, Brookfield had an income of over \$4.7 billion. The corporate greed of BMX has no boundaries and they are increasingly gouging workers' pay and conditions to boost their profits.

SHOPPING CENTRE BOOM

DON'T DISCOUNT WORKERS'

WAGES AND CONDITIONS!



Comrades,

Just a quick wrap up of some of the projects that are occurring in the southern area.

The major project in both size and cost is the Cockburn Rec Centre being constructed by Multiplex. This project will be ongoing for the remainder of the year with the local community expected to be cooling off next Summer in one of the 9 pools that will open and Freo Dockers looking forward to preseason 2017 in a new home.

Things must be looking up in the South because there are a lot of retail developments either underway, starting or looking to start by the middle of the year. Mandurah Forum around (\$340M) being the largest development with all indications the principal being Multiplex, Bunbury Forum (\$110M) is also looking for some additional shopping space, Halls Head is currently transforming with a new shopping area and a Bunnings store (Doric and Troon Constructions respectively). Doric is also busy at Secret Harbour with an expansion of the existing shopping centre underway.

Lakelands will be soon have the new Coles Shopping Complex starting to develop once the large scale civil phase has been completed. Coles also has the wallet open in Byford with a store and mall opening later in the year and with the civil phase completed,

the structural phase just beginning, being completed by Credentia Constructions.

We also have BGC continuing with the Woolworths Shopping Mall Development at Greenfields. Port Coogee also has a Woolworth's development underway, being constructed by Adco.

And with the Aldi Stores (Rockingham and Kwinana) being completed and plenty more on the books, either under construction or not far from starting to develop, the retail investment is starting to take off in the South. Taxpayers money is also being spent in the region with 2 new Police Stations at Cockburn and Mundijong (PS Structures and Universal Constructions). For those not travelling along the Kwinana Freeway, a new Train Station is being built at Aubin Grove by Georgiou with a new 2000 place car park to the west of the freeway. The word around the South is that Georgiou will be busy with the Bridge Upgrade in Mandurah. Also the chalkies will get a new schools at both Byford and Baldivis

So as you can see with just a quick wrap of the south we can hopefully look forward to a much busier and stable year in construction, not only in 2016 but beyond. Which means it's a great time to start thinking about the changes you want to see in your work life and what can be done to make you and your

workmates work life better – whether that is by Electing a Delegate, a HSR or starting negotiations for a new EBA that secures your terms and conditions for up to the next 4 years. Maybe it's the ability to just join the CFMEU and start the process of having some control of your work life that can make all the difference for you in your Home/Family Life. Making this industry strong and rewarding for all participants is what we should all be striving for. The first step is be a member of the CFMEU, and making sure all your workmates are as well.

"Workers United will never be Defeated". In the pursuit of working towards and gaining the benefits that come during the construction phase, always remember there is plenty of wealth that is created from the buildings and structures that are left behind when the construction phase is complete. So why not get your share now.

If you are on a project in the southern area, please give me a call (0419 812 867) anytime with any issue you would like to discuss or alternatively send an email to droberts@cfmeuwa.com and let's see what positive outcomes can be achieved by working as a collective.

Strength to your Struggles Comrades

Illegal Labour practices wrecking our Industry



Whenever the CFMEU raise concerns about the proliferation of cheap illegal labour on building and construction site, the Liberal Party and employer organisations immediately label our complaints as "racist" and "redneck". Nothing could be further from the truth. The facts remain that there are plenty of sleazy Liberal Party politicians who serve themselves up as the mouthpiece of rip off merchants and dodgy employers, ready to defend the indefensible practice of bosses exploiting workers from developing countries.

The CFMEU has a proud history of embracing workers from diverse ethnic backgrounds and has done an enormous amount of work over many decades to ensure all workers are treated equally, regardless of national origin. The shrill response by the MBA and Liberal Party to the CFMEU concerns about employers exploiting cheap foreign illegal labour is tantamount to treason. Our Union will not back away from our sovereign right to ensure Australian construction workers get the opportunity to work on construction sites in our own country.

Due to the actions of the Barnett Government in sending Western Australia into debt by \$40 billion (not bad for an outfit that only had a \$4 billion debt when they took office), WA has become an economic basket case. The likes of BGC, Broad, Jaxon and Finbar have seized the opportunity to attack workers' pay packets at a time when many construction workers are unemployed. It also co-incides with the increased use of foreign labour on construction jobs and the exploitation of illegal workers (who do not hold visas and have no legal right to work).

On a number of Diploma, PACT and Broad projects, foreign workers from South East Asia are being paid as little as \$14 per hour.

All this under the nose of the Fair Work Building Commission who must drive around Perth with a blindfold on. This outfit are too busy colluding with BGC to persecute Union Organisers than dealing with the exploitation of foreign workers. Too bad if legitimate sub-contractors can't win work because they are being undercut by sleazy bosses using illegal labour. The FWBC could not give a shit about Western Australian construction workers who can't get work because an illegal foreign worker has taken their job.

Whilst the CFMEU does not begrudge foreign workers seeking employment in Australia, it will stand up to illegal employment practices of bosses who exploit illegal foreign workers paying them below Award rates. The Union is going to increasingly name and shame employers who turn a blind eye to these practices.

On a PACT Project in Rivervale, the CFMEU raised concerns about the use and abuse of foreign labour. The ceiling fixing contractor on site had no workers compensation to cover all the workers on site, no superannuation and no long service leave. When fronted by the Union about the dodgy outfit working on site, a senior PACT Manager couldn't even name the contractor working on site because of pyramid sub-contract arrangements. All he knew was that the bosses name was "Mario". PACT clearly could not care less whether workers were ripped off or whether illegal practices were occurring on their job.

PACT must really be into the illegal labour as they used (through another sub-contractor) a shitload of illegals on their Cambridge Street Project. Anything to make a profit. Shady dollar here, shady dollar there....

On Broad Construction Services Supreme Court Project, three quarters of the ceiling fixers employed by Amrand were illegal workers from

China, Hong Kong and Taiwan. Cash in hand, non-payment of superannuation and below Award wages were the order of the day – all under the nose of Broad Construction Services, the FWBC and the State Government. When the CFMEU wrote to the State Government about the dodgy practices, they ran a million miles and refused to investigate. This is nothing short of disgraceful.

Diploma are another builder who have got into the act of using illegal foreign labour on their site. The Perry Lakes Project was overrun by workers using dodgy White Cards. Who needs a work or student visa when you can work on a Diploma site without question? Diploma have suffered a \$10 million loss in the last 12 months. You can only wonder how much they would have lost if they had to use legitimate contractors who paid their workers properly.

The construction industry is better off without the likes of Diploma, Broad and PACT, who lack any rigorous checks to determine the legality of workers working on their projects. The reliance on fraudulent Statutory Declarations by certain sub-contractors that they employ legal workers, pay superannuation, long service leave and other statutory entitlements shows how corrupt the construction industry has become. Not a word about these corrupt practices by the big end of town, Murdoch press or the Liberal Party. The CFMEU urges members to contact the Union about illegal workers on your site. Unless we expose these dirty stinking employment practices, we will either have to join the race to the bottom or end up on the unemployment scrap heap. Let's get our industry back and get rid of the shitheads who are putting self-interest and greed before the interests of West Australian construction workers.

Know your award rates and what you should be paid.



Comrades,

Over the last couple of months I have had the privilege of listening to hundreds of construction workers, and what I have picked up is that there is systematic and ongoing abuse of workers' rights. The Employers, whether they be Principal Contractors, Sub Contractors or Labour Hire Companies, are taking advantage of a depressed construction industry and intent on destroying the conditions that have been hard fought and won over many generations. These are conditions that construction workers have secured in awards and agreements to be not only of benefit of those that fought for them but also for those who followed.

The Award (Building and Construction General On-Site Award 2010 3rd edition) is the foundation of workers' rights in the Building and Construction Industry and that is across all forms of Construction – Commercial, Civil and Engineering.

The Award is an agreed set of conditions between the Government, Employers and their representatives, and Employees and their representatives.

The Award is the rule book, it puts obligations and responsibilities on both employees and EMPLOYERS,

It determines our hours of work, 38 hours per week, 7.6 hours per day, an employee can also work an additional 20 minutes per day that is accumulated so that employees are entitled to a Paid Rostered Day Off (RDO) every 20 days. It also determines where Penalty Rates will be paid, shift rates and conditions.

The minimum rate of pay per hour is also determined depending on the type of work

that an employee carries out from CW1 (General Labourer) to CW8 (Foreperson).

The Award gives a number of allowances which could include Multi Story Allowance, Meal Allowance, Fares and Travel Allowance, Living Away from Home Allowance and special allowances depending on the work and circumstances.

We often hear Employers and Employees saying that their conditions are covered by an Enterprise Bargaining Agreement (EBA). Now for that to be true an Employee must have been in consultation with their Employer, there has to be what is called "good faith bargaining" which means a series of points are discussed and agreed to, after all parties have an informed discussion about the positives and negatives of what is being proposed.

The Employer must also give an Employee a "Notice of Representation Rights". This allows the employee to inform their representative that their employer is seeking an agreement with their employees and the employees can be represented in the best possible way. For union members the Union becomes the default bargaining rep, for non-union employees they must nominate someone to be their rep or represent themselves. An Agreement cannot be made until at least 21 days has passed since the last employee received their "Notice of Representation Rights".

An EBA must be registered and approved by the Fair Work Commission (FWC). This can only be done after a vote is held, the vote cannot be held unless the agreement has been in the hands of the employees for 7 days without change, and employees have had the agreement explained to them so that

all positives

and negatives

have been highlighted.

The FWC will only approve a document if it has passed the "better off overall test" (BOOT). This is why it is important to have the CFMEU involved, as it has been proven time and again that with the CFMEU involved the outcomes for workers are far better than any non-union agreement that has been made.

An agreement can be made for up to 4 years so it is important that workers engage with the process and take ownership of the agreement negotiations, this is what will give further empowerment amongst the workers, and as said earlier not only for those workers involved today but also for those that follow.

The greatest outcome when negotiating an agreement comes from the camaraderie that is formed when all workers support each other to get an outcome. It is important to come together and discuss and determine what is really important to the workforce because those issues that are identified and agreed to are the goals that will create the solidarity that will be needed to achieve an agreement that you will be proud of.

So if you and your workmates want control of your work life and the conditions you work under, and you want to work as a collective give me a call on 0419 812 867 and I will be more than happy to come out and deliver "the Award" or a copy of an EBA that we think will move the industry forward.

Alternatively you can contact your Organiser or the CFMEU Office. With the workforce acting as a collective and with the support of your CFMEU you will always get better outcomes and remember

"IF YOU DON'T FIGHT YOU LOSE"

Nugget discovers gold for members

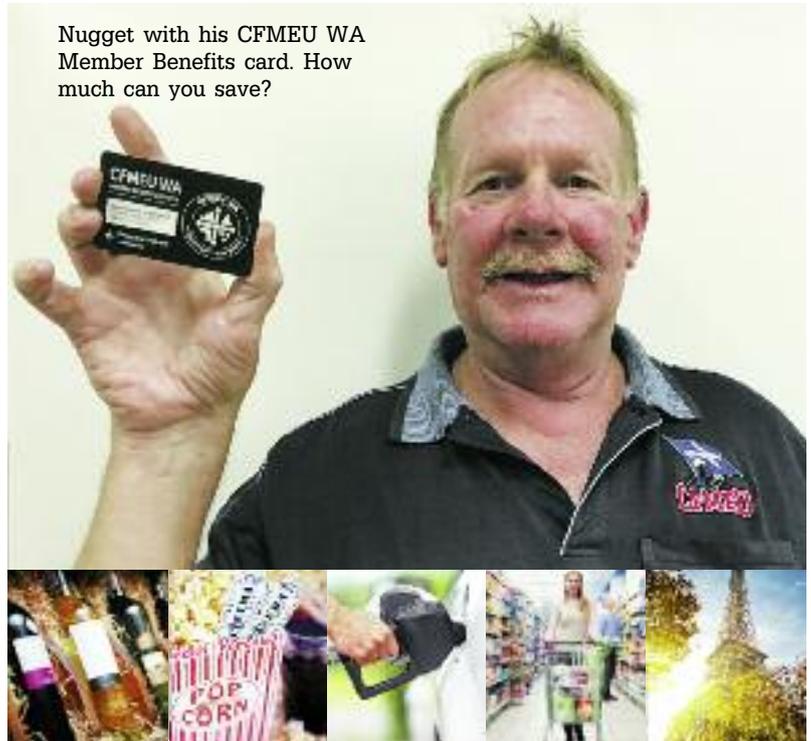
Some members we not aware of how much the CFMEU WA Members Benefit Club could really save them and their family. That is until 'Nugget', site delegate on the new Footy Stadium job, demonstrated to workers the best way to check out the savings.

Nugget showed the crew how to use the savings calculator, which is on the front page of the Benefits Club website. Using this calculator you can easily tally up and see how you could save using the card.

It became clear that savings on a regular carton of beer from Dan Murphy's, or 5 % off your petrol and grocery bill from Woolies added up to quite a bit over the year. More than enough to cover union dues, and there's even more savings by simply showing the card at participating bars and restaurants.

On average a regular user could expect to save at least \$2,500 a year! And it comes free as part of being a CFMEU WA member.

If you'd like to know more about how to use the card and the Member Benefits site ask your CFMEU WA organiser, all have been briefed on how the club works.



Nugget with his CFMEU WA Member Benefits card. How much can you save?

MOBILE USAGE ON THE UP

Feedback is telling us that a lot of members are using their Club Card in conjunction with their mobile phone. Mobile phones are portable of course, and they allow members to bring up the Benefits Club site and check out where there are savings to be made, either prior to going out or if they are out and looking for a nearby place to go.

So check into to your Member Benefits website and log on with the details on your Club Card at <http://cfmeuwa.frequent-values.com.au/>

Something obvious at the Jaxon site on Harper Street South Perth is how tight the site is; the confines of the site making it a challenge to get off the ground.

What wasn't obvious straight away, was that it is being managed on such a tight budget that Jaxon management even removed access to disposable cups for hot and cold drinks. The word on the ground is that "they are tight asses". I have brought it to the attention of site management that in my view this wasn't a good reason to upset the workforce; it is just plain stingy to remove the disposable cups off the crib sheds. The response was "But we have issued them with expensive Jaxon mugs for their drinks". A pretty pathetic statement! Guys often forget their supplied mugs or the facilities are inadequate to clean them for healthy re-use in the workplace. It just isn't a clever way to keep peace and look after workers in the workplace me thinks. So on Jaxon the site is confined and tight but that doesn't mean it needs to be a tight ass and penalise the guys onsite.

Particularly bad is that many of the guys on site have worked on other Jaxon sites where they are supplied disposable cups for their drinks. Why do workers at Harper Street have to be treated as second class workers? Jaxon wake up!



Geraldton could be a jewel on our Northern coast – but little activity and lack of interest and investment from the WA Liberal government is seeing it die a slow death.

Our recent visit to Geraldton was full of emotion and concern for our local members and the community in general.

The first thing we noticed was the empty streets with little traffic; a sure indication that there is not much economic activity in general and there is no more than a handful of construction jobs.

We visited the Freyssinet CBH Silos Project; "biggest job" in town. We found around a dozen people on site as the job moves towards an expected finishing date in 2018. Unfortunately, as reported in this magazine last year,

Freyssinet made all the jobs redundant and subcontracted them out. For the members who were re-engaged to work onsite as sub-contractors they are being paid considerably less. In short, another exercise where the profit is privatised and the losses socialised.

The three Crane yards showed little activity, with only a handful of cranes currently working at the Karara Mine site doing maintenance.

Most upsetting in the situation in Geraldton, local workers informed us, is that the traditional incentives that used to exist for local builders to get some of the government work to keep locals employed have gone.

They complained that the few small jobs with government funding, such as the Multi User Facility and Event Space that are currently under construction on Marine Terrace, were awarded to Perth company FIRM Constructions. We observed first hand that many of the contractors on site are from Perth rather than the local contractors. The people we spoke to actually said they were upset because it appears FIRM was about 20% cheaper than local bidders.

All in all we wondered how local people can manage their daily commitments to pay rents, mortgages, food, education and health? It is obvious the Barnett Government has not done much to create jobs for the people of Greater Geraldton.

The State Elections are around the corner and when we elect the next government we should be aiming for something a lot better. We need to vote for candidates that care about local jobs, the local economy and the future of our kids.



Maritime, Mining & Power Credit Union (MMPCU)

From a small beginning (MMPCU) has grown to over 35,000 members, over \$877 million in assets and 28 branch locations Australia wide. MMPCU has a proud history of looking after MUA and CFMEU members during times of industrial action followed by hardship.

Benefits of membership include:

- MMPCU puts members before profits. In fact any surplus made is returned to the members by way of lower interest on loans, higher savings and term deposit rates as well as personal service and convenient access, without the excessive fees and charges.
- As a member of MMPCU you become a part-owner.
- We provide a complete range of financial services and products. Home Loans, Personal Loans, Savings & Investment accounts & Credit Cards.
- We have one of the largest Direct Charge Fee FREE ATM networks in the country.
- We care! When times get tough, we understand that our members may need help.
- MMPCU proudly supports many local charities, union events & social clubs
- Excellent service. We go the extra mile and carefully listen to your needs and will only offer products and services that we believe will assist you.
- MMPCU is 100% Australian owned and staffed.

DON'T SIGN ANYTHING UNTIL YOU CALL MMPCU

To find out more about the benefits of joining MMPCU contact Emma Cain, Business Development Officer, Western Australia on 0428 124 267 or ecain@mmpcu.com.au



**Maritime
Mining
Power
Credit Union**

you first. always.



KIA ORA

To all the Brothers and Sisters in our construction industry. As we already know we have had to go through a lean period regarding the amount of work available throughout WA – let alone the Northern Suburbs. However, work will pick up soon.!

As frustrating as it is for now, we have had positive indications that it is only a matter of time before major projects will be commencing mid to late period of this year.

As our magazine goes out it will be ANZAC Day before the next issue. For a lot of us it is a time to reflect on the commitment and sacrifice that men and women have made during times of war. Australia and Aotearoa New Zealand have always stood side by side protecting our families and homes. That is where our Anzac spirit was forged.

This will be my 34th year of celebrating and honouring all those who did not come home from battle defending our freedom. So that we can grow to reach our highest degree of potential and continue to nurture our kids with the knowledge of our history and a sense of pride belonging to two awesome countries – Australia and New Zealand Aotearoa.

Even though we may always have a bit of a dig at each other ... we both give as good as we take.

The football paddock is where we battle each other to prove a short lived position of dominance as we continually beat each other.

The last world Rugby cup series put the "All Blacks" up on the winner's podium (consecutively lol) and Australia second, which is a fair indication of the strong ANZAC spirit that both countries are motivated by.

I am a Proud Union member of nearly 30 years in the construction industry, as a concreter / steel fixer and being an Organiser for the last 3 years. I like so many others, continue to be grateful and motivated by the sacrifice and spirit of our ANZAC's.

The same level of sacrifice and fighting spirit goes back to 1854 and the 'The Battle of the Eureka Stockade.'



Maori 28th Battalion haka in Egypt, 1941

Where our Eureka Southern Cross was born through the blood of those who died fighting the soldiers, directed by the Government of the day to kill the workers.

They stood and died for what we have today... A FAIR DAYS WORK FOR A FAIR DAY'S PAY ... THE STRUGGLE CONTINUES.

*E kore ratau e koroheketia
Penei i a tatau kua mahue nei
Ekore hoki ratau e ngaikore
Ahakoa pehea i nga ahuatanga o te wa
I te hekenga atu o te ra
Tae noa ki te aranga mai te ata
Ka maumahara tonu tatau kia ratau
"KA MAUMAHARA TONU TATAU KIA A RATAU"*

*They shall not grow old
As we that are left grow old
Age shall not weary them
Nor the years condemn
At the going down of the sun
And in the morning
We will remember them
"WE WILL REMEMBER THEM"*



Proud of our Viet Vets

Get to know your fellow members

Yagan McClennan



Age
24

Occupation

Ceiling Fixer

Member since

2008

Why did you join the industry?

To make good money

What do you like about the construction industry?

Pay Day

Favourite Car

One that doesn't break down

Music /Song

Triple JJJ

Sports team

Fremantle and Souths

What pisses you off most?

Mondays

What would you like to achieve in next 10 years?

Win Lotto

What was your reason for joining the union?

I joined to be able to help keep the union strong

What union benefits do you like most?

All of them – Benefits Card too

Why should non-union workers join a union?

To improve the industry for themselves and their workmates

What worries you about your working future?

Deterioration of wages and conditions in the industry

Keith Treasure



Age
50

Occupation

Crane Operator

Member since

2005

Why did you join the industry?

Was working in general hire in Darwin was offered work on a large construction site

What do you like about the construction industry?

Comradeship and support when needed

Food

Home Cooking

Sports Team

WCE

What pisses you off most?

Getting ripped off at work

What would you like to achieve in next 10 years

Pay off the mortgage

What was your reason for joining the union?

To help keep pay rates and conditions

What union benefits do you like most?

All

Why should non-union workers join a union?

To help keep pay rates good and keep sites safer

What worries you about your working future?

Downturn in the industry

Tom Herangi



Age
47

Occupation

Crane Operator

Member since

2003

Why did you join the industry?

Good money

What do you like about the construction industry?

Good money

Favourite Car

HILUX

Music /Song

Country

Movie

3 wise cousins

TV Show

Hogan's Heroes

Food

Seafood

Sports Team

All Blacks

What pisses you off most?

I'm a happy guy, nothing pisses me off

What would you like to achieve in next 10 years

Lose a bit of weight

What was your reason for joining the union?

I felt like I joined a gang, something made me feel like I belonged to something

What union benefits do you like most?

Death / Funeral benefits

Why should non-union workers join a union?

Unity

What worries you about your working future?

Money, worse work conditions

Join those who fight for you...



BE PAID UP AND PROUD!

Liliany Obando FREE AT LAST!



As our readers might recall from previous reports, Colombian trade unionist and human rights campaigner Liliany Obando spent almost 6 years in prison and was only declared unconditionally free on 18 December 2015.

She spent 4 years without trial at the "El Buen Pastor Women's Prison" in Bogota, Colombia on trumped up charges of rebellion and fundraising for a terrorist organisation.

The Court found Ms Obando guilty of the lesser charge of rebellion, a catch all charge used by the Colombian state to try silencing political opponents. She was found not guilty of the more serious charge of fundraising for a terrorist organisation. One of the pieces of evidence presented by the prosecution during the trial was the visit to Australia when Liliany Obando was invited by Unions and Community groups to tour. In one of the public events in Sydney, \$300 was collected at the door by the organisers who used it to cover their costs.

On her Australia tour Liliany raised awareness about the difficult situation for workers and unions in Colombia and in particular about the hard reality for the peasantry and other displaced people in her homeland. Liliany advocated for peace and met with different unions, workplaces and the community. During her visit to Perth in September 2007 the CFMEU invited her to visit one of the construction sites where a Site Manager offered her a job in the kitchen which Liliany laughed off. Ms Obando gave a strong message of solidarity with construction workers and our union.

To mark her release, our comrade Rita Mallia, President of the CFMEU NSW branch visited Liliany Obando in Bogota in January 2016.

We congratulate Liliany and her family on her unconditional release as we feel proud to have been able to accompany her case in the massive international campaign for her release.

SOLIDARITY ADDRESS AT TRADES HALL

On Friday 26th February Mick Buchan welcomed Ms Liza Maza from the Philippines to Trades Hall. Ms Maza was the international guest of Migrante Australia, a community organisation established more than 20 years ago and the Gabriela Filipino Women's Alliance.

The CFMEU has a proud tradition of solidarity with the struggles of workers in other countries and our relationship with unions like the KMU in the Philippines is one example.

The evening was attended by some of our officials and solidarity groups who had an opportunity to receive first-hand information on

the situation in the Philippines on the 30th anniversary of the overthrow of the Marcos dictatorship.

Ms Liza Maza a long term activist for human and civil rights talked about the necessity to join forces with workers and people in Australia to campaign for peace in the Asia-Pacific region in times of the release of the \$150 billion military budget White Paper. The dangers of a militarised area and the encircling and containment of China by the United States and supported by the Australian government.

The US has released its plans for the military and economic Pivot in the Pacific which will see 60% of the US military resources in the area.

She also spoke about the difficult circumstances for the Filipino fishermen who have been affected by China's land reclamation of the Scarborough Shoal area.

Ms Maza went on to analyse the consequences of the Transpacific Partnership Agreement TPP for workers and for the people in general in the 12 signatory countries like Australia. She also spoke about the imposition of demands for any other non-signatory countries like the Philippines to change its Constitution and other legislation to join the TPPA in the future.

Some of the draconian clauses of the TPP allow powerful US multinational corporations to sue governments if they perceive that the regulations and laws they make interfere with profit or potential profit making. This very same clause is part of the China-Australia Free Trade Agreement.

In short these free trade agreements are more about politics than economics and they should not be signed or ratified by the Australian Senate. The TPP was signed by former Australian Trade Minister Andrew Robb on 4th February which saw huge demonstrations in Auckland NZ. The Senate in Australia has to ratify the trade deal and there are many reasons it should be rejected.



GOLF DAY FOR CUMMO FOUNDATION

After last year's great success the CFMEU is once again hosting a golf day to raise funds for Brain Cancer Research with all monies going to the John Cummins Memorial Foundation. The 'Cummo' Foundation and Austin Health provide a Brain Tumor support service for patients and their families.

Get you team together. Ambrose event – Teams of 2. \$250 entry per team Monday August 3rd at the Nedlands Golf Club.

It will be an 18 hole event with trophies, novelty prizes and lunch provided on the day.

For more details and to book your team phone CFMEU organiser Phil Kennedy on 0427 244 141



Cummo Cup teams from last year.



JIMMY REID – LIFE MEMBERSHIP

Long term union member, Organiser, delegate and champion angler (If you believe his stories), Jimmy Reid was on hand at the Members Christmas meeting where he was personally presented with his Honorary Life Membership...**WELL DONE, JIMMY!**

Congratulations CFMEU Kids Club Winners

Well done to Chloe and Carli Weightman along with Antoni Giglia who won our CFMEU Kids Club Colouring In Competition last issue. A fantastic job. We hope you enjoy spending your Toys R' Us vouchers. **10/10!**



CROWN TOWERS CREW KICKS A GOAL

Glen Hawkins, CFMEU delegate reports that \$2,500 was raised via a raffle to support the Forever 15 Foundation in honour of Will Atkinson, a talented footballer, who tragically passed away in 2013 of a brain tumour at the age of 15. Brain Cancer kills more children than any other disease in Australia. The winner was a very happy Ben from Australian Fire Doors. Well done all. **For more info see www.forever15.com.au**



Where's Scaffy?

Hey kids (big ones too!) Scaffy is hiding inside this issue – can you be the first to find him? Last issue he was on page 31, in the shed with Brian and Merv.

Alas he's disappeared again inside this issue, can you spot him?



CFMEU WOMEN

Our CFMEU women got together to celebrate International Women's Day – we are proud to support equal pay and opportunity for all women. Go girls!