

Message from Dave Noonan

Discrimination not acceptable

THE first sitting of the new federal parliament will see the Abbott government move to reinstate the Australian Building and Construction Commission.

This should be of concern to the community: these laws, which don't apply to any other sector of the workforce, discriminate against construction workers.

The government apparently believes that discrimination against blue -collar workers in a particular industry is acceptable.

If they had plans to do the same to other sectors of our community on the basis of gender, sexual orientation or ethnic background, there would be, justifiably, an outcry.

More than a quarter of a billion dollars of public money has been spent on the Cole Royal Commission, the ABCC and its successor Fair Work Building and Construction to attack the rights of construction workers and to weaken the ability of their unions to organise on sites.

The powers proposed for the ABCC are extreme. They include coercive powers, secretive interviews and imprisonment for those who do not co- operate.

Those subject to interviews have no right to silence, or to representation by a lawyer of their choice.

Support for such extreme laws is couched in terms of the industry being unlawful. The ABCC cheer squads mutter darkly of union connections with organised crime and bkie gangs, citing sensationalist media coverage. What they never do is explain how industrial laws could cure criminality, even were criminality found to be endemic in the industry (a contention that doesn't stand up to scrutiny in any event).

It was on the basis of similar lurid allegations of fraud, corruption and violence that the Cole Royal Commission was called in 2001 by Tony Abbott. There was scepticism over Abbott's motives. The Australian's editorial asked the rhetorical question: "Is the Cole Royal Commission a political stunt ? ", answering with a resounding "Yes ".

Eighteen months and \$66 million later, no criminal charge was ever laid. One employer faced a civil penalty for breaching industrial law and one witness was convicted of giving false evidence. So, the Liberal Party and employer groups had shifted the argument to an industrial relations frame.

It is no coincidence that we are seeing another deluge of false and/or unsubstantiated allegations of criminality in the construction industry as Abbott goes back to the future with his reanimated ABCC bill.

A cynic (on this matter I am one) may conclude that a moral panic is deliberately being generated to justify laws unacceptable to the community if subject to reasoned debate.

Construction workers and their unions have achieved much. Data consistently shows that union workplaces are safer and better paid.

But there are problems. Sham contracting, tax evasion and rorts that see workers lose wages and entitlements are commonplace. In an industry where developers and contractors are keen for more profits and corners are often cut, safety is an ever present concern.

Construction workers and their union representatives often experience sites where safety laws are not observed. They see death traps and health hazards because of employer negligence. They see workers maimed and killed on the job. They risk discrimination and blacklisting if they speak out.

The ABCC will do nothing to address these issues; ordinary construction workers will feel the weight of these laws, forced to think twice about taking action about bad safety. They remember Ark Tribe, who faced prosecution and possible imprisonment under the ABCC laws.

It should be a concern to all of us that for workers in one industry, the right to silence, the right to question an employer's judgment about safety issues without the threat of prosecution, and the reasonable expectation that a government body will not always favour the boss in an industrial dispute, will disappear if Abbott succeeds in returning to the past.

The problems of the industry require real solutions for the underlying problems facing construction workers, subcontractors and builders. This will not be achieved by demonising construction workers and their unions, or by discriminatory, repressive laws.

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