



ABCC CHAOS LOOMING FOR ASU MEMBERS

NOT JUST CONSTRUCTION SECTOR

CASH NO COMMENT: Three weeks ago the ASU requested clarification directly from Senator Michaelia Cash regarding the Coalition's ABCC legislation and what effect it will have on local government, energy and water employees. So far, no response.

What's known?

The Liberal/National Coalition Government forced this election on the Australian public because they want to pass their ABCC legislation with a new "Building Code" to increase its powers.

Australians have had to endure eight weeks of election campaigning, and now the Turnbull Government may not know what their own legislation could do?

- **Wages and conditions slashed**
- **Community and workplace safety compromised**
- **Major disruption to services**

What's unknown?

Will the ABCC cover some or all ASU members working in local government, energy and water industries? We don't know because Senator Cash won't respond to our request for clarification.

The conclusion we draw from the Senator's delay is that the laws are intentionally ambiguous. Your Union says this is the primary threat to all ASU members because it may allow your employer to change your wages and conditions and our ability to defend your rights.

It's the whole of business approach that may flow on to librarians, council art gallery staff, community and child care servicing, town planners, sport and recreation officers, beach inspectors and all the other service areas captured by your awards and agreements.

Local government, energy and water sector employees should also be concerned that they could be dragged before an ABCC inquiry, into closed hearings and our members would be gagged from talking about the experience later, even to their advocate, the ASU. The ABCC could enact power for an inspectorate to secretly interrogate you, confiscate things like your private phone and jail you for refusing to participate.

Risks to ASU members?

Special laws and a special inspectorate for the ABCC could draw in local government, energy and water sector employees. This is because Section 6 of the legislation gives a broad meaning for what defines a building and construction area of business. It will be a significant problem for application of the legislation.

ASU members can be directly involved in building and construction, such as the building and construction of utilities, roads, bridges, amenities and various building works. Many other members provide additional work and support for public and private tenders and oversee expressions of interest on government funded work. All associated occupations may need to comply with the ABCC.

\$ PENALTIES & LEGAL ACTION ABCC COMPLIANCE EXPOSES YOU TO

- **Penalties for entities, including your Union: up to \$170,000**
- **Penalties for individuals: up to \$34,000**
- **The "reverse onus" provision could make it costly for you if you are dragged before the ABCC because it would be up to you to disprove an accusation**
- **A legal costs regime is proposed that could allow an employer to recover their costs from you or your Union**
- **The ABCC could also be given the power to pursue uncapped compensation for damages caused by a contravention**



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Harder to manage safety at work

Safety is a primary area of concern and any legislation that discourages employees from being able to alert employers to dangers should be rejected. The ASU believes that policing issues of safety by a secretive ABCC sends the wrong signal to the community and encourages a reduction in standards, as well as undermining commitments to human rights.

Previous legislation of the Howard Coalition Government era defined our industries as being subject to consideration and involvement by the ABCC legislation. We've asked Michaelia Cash to confirm whether the broad definitions in the legislation capture ASU members but she won't say.

The Coalition wants to be re-elected on the ABCC legislation. Do they know their own legislation? Do they know the widespread chaos it will create?

Any council employee providing assistance for roadway construction and related services – for example, providing the traffic management or the council plant machinery – or undertaking minor construction work like building a toilet block or installing roadside kerbs and pavements, could have to be working under an ABCC compliant instrument.

What does this mean? Either you or your work mates or the whole of council could lose current Award or Agreement entitlements. The ASU says that this could be the case because councils are increasingly reliant on revenue that flows from Federal Government funding.

Other risks

The ABCC legislation burdens local and state governments with unfair, unsatisfactory and unnecessary requirements that will infringe on your rights and shift costs to a level of government that is already experiencing severe cuts to funding. Communities deserve greater respect.

A new ABCC will not bring justice to Australian people. It won't be good for jobs, it won't improve funding for our schools or world class health care system, it won't crack down on banks and business accountability for corporate crime, it won't make education or aged care more affordable and it won't instil greater decency in our superannuation and other safety-net security.

The "Building Code" could slash wages. For example it could take away your salary system and classification structure overnight and you could revert to the basics in a Federal Modern Award.

This also means it could change your start and finish times and take away your RDO, shift allowances, consultation on redundancies, the use of labour hire, contracting-out, as well as gag Unions from activities including meeting with you and enforcing appropriate safety measures.

THE ABCC COULD GAG THE ASU AND PREVENT US REPRESENTING YOUR INTERESTS IN A DISPUTE

TAKE THE PLEDGE TO "PUT THE LIBERALS LAST"

Tell your family, friends and work mates to "PUT THE LIBERALS LAST"

Unfairly targeting your rights will have destructive and dangerous implications for future generations of Australians. The ABCC is union busting and a blatant attempt by powerful business interests to use the Australian Government as a tool of business tycoons. The Coalition Government has been a reckless car crash into the values of governance we care about. Where will hostility towards working people be allowed to spread to next?

- **Take the Election pledge and "PUT THE LIBERALS LAST":** www.australianunions.org.au/election_pledge
- **Volunteer to Build A Better Future:** www.australianunions.org.au/volunteer
- **Join your Union:** www.asu.asn.au/asujoin

More info

ASUnews: ABCC infringements on rights of ASU members & others:
<http://bit.ly/ASU-ABCC-160321>

ASUnews: ABCC versus national anti-corruption commission:
<http://bit.ly/ASU-ABCCvsICAC-160412>

ASUnews: It's time to tackle corporate tax avoidance:
<http://bit.ly/ASU-taxrorts-160413>



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