



Australian Financial Review, Australia
24 Oct 2012, by Leigh Johns

General News, page 51 - 272.89 cm²
National - circulation 71,061 (MTWTFS)

ID 167600689

Setting the record straight on FWBC



Leigh Johns

Since Fair Work Building & Construction commenced operations on June 1, we have been the subject of much criticism. Those who opposed the transition from the ABCC were always going to be on the lookout for evidence to support their cause. Less expected was that the CFMEU in Victoria would provide the conservative commentators with the perfect "I told you so" moment in the guise of the Grocon dispute. Having campaigned so long for the abolition of the ABCC, Mr Setka et al have kicked on own goal for themselves and for the image of the union movement which has achieved so much for working people.

Of course, the causal link between the abolition of the ABCC and the Grocon dispute is non-existent, but that hasn't stopped the ABCC groupies from calling FWBC a "toothless tiger", "a complete joke", "homeopathic", "anaemic", "completely ineffectual" and lacking in "intellectual energy".

I'm no longer willing to let those untruths stand. On October 8, 2012, the Australian Industry Group (in conjunction with the Australian Constructors Association) made a submission to the Victorian government's investigation into compliance within the Victorian building and construction industry, which repeated erroneous assertions made on September 4, 2012, by Australian Industry Group chief executive Innes Willox.

I wrote to him to set the record straight. The fact that they now seek

to peddle the same incorrect information in a public submission, without acknowledging the true position, calls into question their motivation. Mr Willox asserted: "By all accounts the ABCC's replacement, Fair Work Building and Construction, has diverted much of its resources away from dealing with unlawful industrial action, coercion and similar unacceptable and unlawful conduct".

This is incorrect. FWBC has six regulatory priorities: Unprotected industrial action, coercion, freedom of association, right of entry, wages and entitlements and sham contracting. In the past year, FWBC has investigated 12 per cent more Unprotected Industrial Action matters than in the past year, 26 per cent more coercion matters than in the past year, 47 per cent more matters overall than in the previous year and 54 per cent more matters than in the year before that.

Ai Group then assert: "Underpayment claims by employees are important, of course, but the Fair Work Ombudsman is best placed to deal with these claims, not FWBC." Not so. Since the ABCC/FWBC started pursuing wages and entitlements claims, we have recovered more than \$1.2 million for underpaid building and construction workers. We have been more successful than when the Fair Work Ombudsman did this work.

Our work in this area also gives life to Royal Commissioner Cole's recommendation that "the ABCC itself should assume a role in the recovery of employee entitlements under federal awards and certified agreements in the building and construction industry".

In addition to the colourful descriptions, it has been suggested that we are not "on the spot without

delay", don't act "quickly and decisively" and are not "highly visible". Let me present you with the facts. Since June 1, 2012, Fair Work building industry inspectors have conducted more than 777 site visits. FWBC responds to all contacts within 24 hours. Eighty-two per cent of all investigations are now conducted in 90 days or less.

On Friday October 5, we commenced proceedings against the CFMEU and 10 of its officials and members for alleged breaches of the Fair Work Act in relation to a dispute with Grocon which made national news and shut down parts of Melbourne's CBD. We are seeking civil penalties as well as compensation for Grocon and other parties who may have suffered loss.

FWBC's focus is on compensating victims of unlawful behaviour. This isn't legal aid for the rich, it's standing shoulder to shoulder with those prepared to lead necessary cultural change in the industry and stand up to the CFMEU's continuing culture of coercion. This message hasn't been lost on everyone. There is one commentator who I applaud for being prepared to admit he got it wrong when he criticised FWBC. It's not an easy thing to do — put an apology in print. But Matthew Stevens, in this paper, did just that.

What was most refreshing about Mr Stevens' column was it suggested he had opened the door for a new narrative to begin. I understand FWBC has to earn that new narrative. And we will, if the facts are allowed to prevail.

■ Leigh Johns is chief executive of Fair Work Building & Construction. This is an excerpt from his speech today at the AMMA Perth conference.