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Laws should protect building workers, not persecute them, says major new report

Unions have welcomed a new report which says the Australian Building and Construction Commission is in breach of international laws and fails to protect workers.

The annual report of the International Labour Organization's Committee of Experts is an indictment of laws which discriminate against construction workers, says the ACTU.

"International industrial laws are intended to protect the rights of workers, not persecute them," said ACTU Secretary Jeff Lawrence.

"Yet this is precisely what the ABCC does. Overwhelmingly, the ABCC has investigated and prosecuted workers rather than employers. This has wasted millions of dollars, while health and safety in the construction industry has not improved.

"There should be one set of laws for all workers, regardless of the industry they work in.

"We remain absolutely opposed to the continuation of coercive powers that impinge upon the civil liberties and the right to be members of a union. Now the ILO has backed these concerns.

"Parliament needs to get its act together and abolish the ABCC and coercive powers for the construction industry."

In its report released this week, the ILO's Committee of Experts said the ABCC was likely to be in breach of a number of international labour standards, including freedom of association, the right to organise and collective bargaining.

The report said:

"The Committee considers that the prosecution of workers does not constitute part of the primary duties of inspectors and may not only seriously interfere with the effective discharge of their primary duties – which should be centred on the protection of workers under Article 3 of the Convention – but also prejudice the authority and impartiality necessary in the relations between inspectors and employers and workers." (Report of the Committee of Experts on the Application of Conventions and Recommendations, ILO, 2010, p. 490)

Mr Lawrence said the ABCC had been set up by the Howard Government, and until it was abolished, part of WorkChoices would live on.

"The ABCC undermines the rights of 900,000 hardworking Australians who every day risk their lives on building sites around the nation and play a major role in driving the economy.

"We need to make the construction industry one in which people want to work and feel valued for their contribution.

"Any government law enforcement agencies should be focused on policing safety and workplace rights, not prosecuting workers for exercising their workplace rights."

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