

THE BUILDING CODE 2016

Precarious Work In The Construction Industry

What is the Building Code?

- The Building Code 2016 is:
 - the Code for the Tendering and Performance of Building Work;
 - a government document that is used for tendering for government work.

Historical background of the Code

- The ABCC, or the Australian Building and Construction Commission, was created by former Australian Prime Minister John Howard in 2005.
- It monitored the Building and Construction sector and enforced civil workplace laws such as restrictions on unlawful industrial action and industrial threats.
- It was **removed** by the Gillard labor government .
- It has **now** been **reintroduced** by the current conservative government, with increased powers and substantially increased penalties for breaches.

The Role & Powers of the ABCC

- The ABCC has responsibility for monitoring compliance with the Building Code.
- The ABCC may exercise compliance powers under the Building and Construction Industry (Improving Productivity) Act 2016 (BCI Act) when undertaking activities.
- The ABCC has even more power than the police.
 - It can drag workers before secret tribunals, strip them of their right to silence and deny them the right to choose a lawyer.
 - If you refuse to attend a tribunal, you can be jailed for up to six months.

Worse than that

- it can also affect their families - because of the secrecy provisions, a worker would be unable to tell their partner that they were interrogated!
- Under this law, drug dealers have even more rights than construction workers.

Who does the Code apply to?

NOTE: The building code does not only apply to employers tendering for government construction projects.

The code applies to:

- All employees working in the private sector of the entity tendering for government work
- All entities that supply transport or prefabrication manufacturing to government jobs
- Other entities that include contracting or transport suppliers

What does the Code prohibit?

The Building Code does not only prohibit 'union friendly' clauses.

The Code prohibits many clauses in our Construction Agreements, including clauses:

- That prevent unlimited ordinary hours worked per day;
- That guarantee the employee's ability to have a day off on Public holidays;
- That encourage employment of apprentices;
- That discourage discrimination against mature workers;
- That allow the promotion of Australian made materials , goods , uniforms etc;
- That allow for Australian workers to have precedence over temporary work visa holders;
- That include agreed stable and secure shift arrangements or rosters;
- That ensures construction workers conditions and entitlements cannot be eroded;
- That provide for equality and fairness onsite for construction workers;
- That impact on the rights of construction workers to have a safe workplace.

Productivity in the Construction Industry

- Much of the justification for the Building Code is based on the claim that there is a productivity problem in the construction industry.
- Yet a report by the Australia Institute reveals that productivity has never been higher in the industry and that there has been a large shift in incomes towards profits and away from labour.