

Restoring Civility to Civil Construction



**CIVIL CONTRACTORS
FEDERATION**

The Civil Contractors Federation is dedicated to fostering a safe and sustainable civil construction industry that consistently delivers high-quality, fit-for-purpose infrastructure for the people and communities of Australia.

Putting Safety First: The safety of every person in the construction industry is paramount. We must get serious about improving psychosocial safety, and address issues like bullying and suicide prevention with the same rigour applied to physical safety.

A Competitive and Productive Industry: We strive for a construction industry where businesses of all sizes—whether multinationals or small family operations—can thrive and successfully work on government contracts as head contractors and subcontractors. A strong economy relies on a robust construction industry, and a healthy industry depends on the well-being of all: workers, employers, and clients alike.

Strong and Fair Representation: We believe unions must represent their members fairly and with integrity, ensuring that the rights and interests of workers are upheld in a manner that contributes positively to the industry's overall health.

Independent Oversight: Is needed to ensure long term cultural change, compliance and industry health.

A Better Regulated Industry

Independent Regulator for Contractors and Unions – Appoint an independent construction regulator to administer a set of rules for the construction industry with a focus on ensuring all parties, including unions and/ or head contractors are compliant. The regulator needs powers to receive complaints and investigate, including Right of Entry breaches and procurement practices.

Fit and Proper Person Criteria to be strengthened and expanded – Criteria should be developed outlining what standard must be met for a person to be deemed a fit and proper person to be an officer of a Registered Organisation.

Currently, an officer can be banned from holding an ROE permit but still hold office in a union. The test for a fit a proper person to hold a ROE permit should also be extended to officer holders of registered organisations. Failure to comply with the fit and proper person test should prevent a person from holding office for a period of time.

Enterprise Agreement Unlawful Terms – Amend the Fair Work Act to prevent enterprise agreements from including terms requiring subcontractors to comply with the terms and conditions of the employer's enterprise agreement. These terms remove the right to freedom of association and employee and employer rights to negotiate employment terms and conditions, and cripple small and regional businesses who can't compete.

Eligibility Test – Amend the Fair Work Act to include an eligibility test for union agreements, administered by the Fair Work Commission, at the time of issuing the NERR. If a union is going to be the employee representative, the union bargaining representatives must be the majority representatives. Similar to existing provisions for Greenfields agreements.

Pattern Bargaining – The Fair Work Act should be amended to prevent pattern bargaining. The principle underpinning enterprise agreement approval is genuine agreement; this cannot be true with employers and employees forced to sign the same agreement with no genuine bargaining.

Genuine Agreement – Ensure the same standard of explanation of the terms is required for both union and non-union agreements. Employees must understand the terms that they are agreeing to, even where the agreement has been negotiated by a union. Where a union agreement is being entered into, the majority of employees must agree to enter into a union agreement and the union entering into the agreement must be eligible to cover the majority of employees.

More Transparent Procurement

Registration of Enterprise Agreements – Procurement policies must require suppliers, including those engaged through the supply chain, have their Enterprise Agreements registered with and approved by the Fair Work Commission.

Review and amend Procurement Practices – Government procurement practices should be investigated to ensure they do not favour some interests and create unfair barriers to entry for local industry. This will promote a safe, fair, competitive, and sustainable construction industry.

Procurement practices should ensure all EAs are approved by the Fair Work Commission.

Construction Contracts – Employment terms and rates of pay should not be included in construction contracts. Contracts should only require that enterprise agreements are registered and that all subcontractors have registered enterprise agreements.

Recognise Subcontractors – Genuine independent contractors undertake a legitimate form of work on construction sites and must not be discriminated against. Arrangements that constrain or otherwise restrict the use of independent contractors and the terms of their engagement should be made inconsistent with procurement guidelines. This includes terms of an enterprise agreement that (in effect) requires a contractor to ensure where it engages subcontractors and their employees will receive terms and conditions of engagement (or terms no less favourable) as they would receive if they are engaged as employees of the head contractor.

Civil Matters in Australia



of Australia's GDP
is contributed by
civil construction.



people work in
civil construction.



businesses work across the
construction industry.



Every
invested in civil construction
employs 7.2 workers.



in Housing and Community
Enabling Infrastructure work
commenced in 2023.