



Australian Government
Office of the Australian Building and
Construction Commissioner

ABCC Media Statement

ABCC releases report into 'blue flu' at Perth CTA site

Thursday, 2 August 2007

ABC Commissioner, John Lloyd, today published his findings about the Perth building industry's 'blue flu' incident. The findings relate to the use of an industrially-motivated mass 'sickies' tactic at Perth's Country Travellers Association (CTA) building site on 8 July 2005.

This is the second time the Commissioner has used his power under section 67 of the *Building and Construction Industry Improvement Act 2005* to publish details of non-compliance.

The Commissioner concluded that Mr Joe McDonald, a senior officer of the CFMEU and CFMEUW, engaged in unlawful industrial action because he advised and encouraged the workers to call in sick for industrial purposes during a meeting on 7 July 2005.

Mr Lloyd also found the workers engaged in unlawful industrial action because they failed to attend the site for work on 8 July 2005.

Seven days earlier, a Supreme Court interlocutory injunction was issued to restrain Mr McDonald and the CFMEU from taking industrial action on this site.

Mr McDonald does not have a Federal or State right of entry permit. The ABCC has reserved its position to use the material it has gathered about this incident should he apply for a permit in the future.

The ABCC invited the CFMEU to put its side of the story for the purposes of this report. The CFMEU chose not to provide an explanation of the events.

The Commissioner indicated that the findings were released today because all legal proceedings relevant to the investigation were completed last week, on 27 July 2007.

Mr Lloyd said Mr McDonald and CFMEU WA Secretary Kevin Reynolds' defence of this tactic was unacceptable.

"I expect this report, coupled with public condemnation of 'blue flu' practices, will send a strong message that the orchestrated abuse of sick leave entitlements for industrial purposes is unjustifiable and unlawful," Mr Lloyd said.

"There has been a strong public reaction against the blue flu tactic. The report confirms that the ABCC investigated this matter and future use of the blue flu tactic will not be tolerated."

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