

Daily Media Overview

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For Setka, it's always someone else's fault

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John Setka on crossbenchers who don't like his tone or his language when he talks about the union-busting Ensuring Integrity Bill. He says they should "toughen up a little bit". He's not threatening the senators, merely "campaigning against draconian laws that people are considering passing". Apparently, claims Setka, the Victorian state secretary of the Construction, Forestry, Maritime, Mining and Energy Union, his words were taken out of context.

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Porter praises union that denied workers \$1b in wages

Dana Mccauley

Attorney-General Christian Porter has left workers sceptical of his promise to lift wages and tackle exploitation after praising a union that stripped workers of more than \$1 billion worth of wages as the "gold standard" of "cooperative" workplace relations.

Speaking to business leaders in Canberra yesterday, Mr Porter named the Shop, Distributive and Allied Employees' Association (SDA) – which signed up workers to enterprise agreements that left them on as little as \$8 an hour – as a model union.

"You speak with the major employers, they have a very good relationship with the SDA. It is constructive, it's sensible," the Morrison government's industrial relations minister said.

An award-winning investigation by *The Age* revealed in 2016 that a quarter of a million retail and fast-food workers were underpaid more than \$300 million a year over five years by employers including Woolworths, Hungry Jack's and KFC, on enterprise agreements negotiated by the SDA.

Josh Cullinan, secretary of the Retail and Fast Food Workers' Union, said it was "remarkable" that the minister would praise the SDA when "the largest wage theft that's been perpetrated in Australia is the wage theft that's been committed by the SDA".

He said the union was complicit

with employers in "stealing penalty rates, casual loadings and other conditions" from retail and fast food workers.

"Workers continue to suffer the exploitation under rotten SDA deals," Mr Cullinan said. "McDonalds workers still don't have penalty rates on weekends."

"For him to suggest that they are some kind of shining light, places fairly and squarely where the Liberal and National parties see workers and the rights of workers [locked] to the very minimum conditions."

An SDA spokeswoman said the union "continues to reject the assertion that agreements it has negotiated have ever left workers worse off" and that it had a "proud

history of delivering the best possible outcomes for workers".

Mr Porter, who is reviewing the nation's industrial relations laws, made the remarks during a Q&A after his speech to the Committee for Economic Development of Australia's national conference, where he unveiled a discussion paper on promised wage theft legislation.

The minister urged business leaders to lobby key senate cross-benchers on the government's union-busting Ensuring Integrity bill. He said passing the bill – which will make it easier to deregister law-breaking unions and ban officials – could slash the cost of infrastructure projects by up to 30 per cent by clamping down on the Construction, Forestry, Maritime,

Mining and Energy Union.

Asked if the sort of industrial relations system he envisioned was one where "unions never take industrial action and workers are left worse off", the minister replied: "Of course not."

"The whole point about the SDA is that it's a union that seems, generally speaking, to work very well with the large employers," he said.

"When you compare relationships ... in that retail, hospitality, fast food space to what's going on, on construction sites, it's chalk and cheese," he said.

Labor's industrial relations spokesman Tony Burke said if the government "really wanted to help combat wage theft" it would drop the Ensuring Integrity bill.



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CFMEU SPLIT OVER POACHING OF MEMBERS

Setka's move sparks union war

EWIN HANNAN
WORKPLACE EDITOR

The civil war engulfing the CFMEU has erupted publicly, with the union's influential mining and energy division backing potential court action against John Setka's Victorian construction branch for the "unprincipled" poaching of members.

The mining and energy division's central council passed a motion on Thursday attacking Mr Setka's branch, and warned the CFMEU "cannot function effectively" unless the union's rules were followed.

CFMEU national president Tony Maher, who is also the mining division president, said miners would support legal action against Mr Setka's branch if the manufacturing division took action in the Federal Court over the poaching of its members.

"We take very seriously the application of the rules. Nobody is above the rules. They would support court action to apply the rules," he said.

He had paperwork showing 19 members had resigned from the manufacturing division but the letters were on Victorian construction division letterhead.

He said Mr Setka told him that "hundreds" of manufacturing division members had resigned and joined the construction division.

"Miners will go berserk about divisional autonomy," he said. "We are a stickler for the rules and divisional autonomy. We will not tolerate any change to that. If they take court action, we are likely to support it."

Leo Skourdoumbis, the manufacturers' acting national secretary, said he was investigating allegations that the construction division had enlisted employers to help poach members. He said legal action against the construction division was being examined.

Asked what message it sent

that Mr Setka remained one of the union's senior officials despite pleading guilty in June to harassing his wife. Mr Maher told ABC television: "It's obviously a major issue. I am always on the side of victims when it comes to domestic violence."

He said members had resigned from the union in protest against Mr Setka staying on. "It's difficult enough to get young women involved in the trade union movement without having publicity around this," he said.

He revealed the union's national executive had not met since comments Mr Setka allegedly made about Rosie Batty in June were leaked. Mr Setka has denied disparaging Ms Batty.

Mr Maher said Mr Setka's future was a matter for the Victorian construction division but he

warned the ongoing controversy was making it harder for the union movement to stop the passage of the Coalition's Ensuring Integrity bill. "(The dispute) is a destructive thing at the worst possible time in the trade union movement," he said.

The mining division's central council urged the union's national and state construction division branches to take action to "rectify the missteps" taken by Mr Setka's branch. "This can only be resolved by the construction divisions," Mr Maher said.

Until now, officials of the Construction, Forestry, Maritime, Mining and Energy Union have refrained from publicly attacking Mr Setka.

The Australian revealed in August that national officials were threatening Federal Court action against Mr Setka after he allegedly demanded two manufacturing division organisers defect to the construction divisions and "pinch" manufacturing members.

CFMEU national secretary Michael O'Connor and officials of the manufacturing division subsequently moved out of the union's Victorian head office because of the mounting conflict with Mr Setka.

The council's motion resolved to endorse the actions of the central executive in supporting the manufacturing division against the "unprincipled actions" of the Victorian construction and general branch.

"The mining and energy division does not support the poach-

ing of members and we do not support signing up members or potential members of other divisions where established custom and practice has settled potential competing coverage rights issues," the motion says.

"We call on the branches of the C&G division to rectify the missteps taken by the Victorian C&G branch and urge all C&G branches to refrain from this approach

"Together, we are a strong, militant, well-resourced union that stands up for our members, makes a difference in our communities and fights for progressive values," it said.

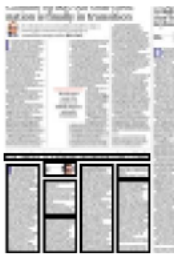
"This meeting of Central Council is also extremely concerned that our union cannot function effectively, unless all divisions respect our shared Rules, the legacy of our founding brothers and sisters (from whichever division or walk of life they came) and of those that have come since."



Maher



Setka



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Jenna Price



John Setka on crossbenchers who don't like his tone or his language when he talks about the union-busting Ensuring Integrity Bill. He says they should "toughen up a little bit". He's not threatening the senators, merely "campaigning against draconian laws that people are considering passing".

Apparently, claims Setka, the Victorian state secretary of the Construction, Forestry, Maritime, Mining and Energy Union, his words were taken out of context.

John Setka on Rosie Batty. Leaks from a meeting of the CFMMEU revealed Setka attacked the former Australian of the Year Rosie Batty, whose son was murdered by his father in 2014. He said Batty's advocacy had led to men having fewer rights. Apparently, claims Setka, he never said anything derogatory about Batty.

John Setka on his recent criminal conviction for harassing his wife and breaching a court order which played out in the courts earlier this year. Apparently, it was no biggie between a husband and his wife. "Regardless of how much they pumped it up, all it was was a few bad text messages and a bit of bad language between each other ... I mean, big deal."

It's always someone else's fault. I didn't do it. You never saw me. It was Rosie's fault, it's Jacqui's fault. Sally's fault, Michelle's fault. It's the leakers and the dogs. It's the women.

Setka refuses to take responsibility for his actions – and that's a key attribute of bullying behaviour. I don't have the expertise of a psychologist but I'd have to say

there are some concerning patterns here. If you drew a Venn diagram of all the episodes of controversy and horror that surrounds Setka, he would always be located at the epicentre yet never at fault.

Too many people have been fooled by Setka's charismatic personality. (Me included. Last year, I was very sympathetic when he was arrested in front of his children for charges that were later dropped). It's clear Rex Patrick has stood up to this behaviour but it's devastating

that one of Australia's powerful unions, the CFMMEU, has a man like this leading its members.

Silke Meyer has seen it all before. She was listening to Setka on Radio National Breakfast with Hamish Macdonald yesterday and was utterly horrified. Meyer is an associate professor at the Gender and Family Violence Prevention Centre at Monash University. She's been studying family violence, including perpetrators, for more than 10 years.

"Every time, he fell back into denial. It's a typical deflection we see in perpetrators of family violence. Most take no ownership," she said. "It's a common attribute of family violence perpetrators and well-established for decades. The victim blaming, the minimisation, the denial."

Meyer's work with perpetrator intervention shows it's one of the core elements that must be tackled – the desire by the perpetrator to minimise the harm to the victim. That's the only way to make meaningful change. She was also extremely disturbed by Setka's claims it was "only" text messages.

"He mentioned several times he was never physically abusive, never a wife beater. He continued the myth that it is only domestic violence when you physically hurt someone."

But Meyer argues: "We have moved on past that in Australia ...

the emotional and psychological abuse is equally harmful as physical abuse to victims' wellbeing."

Setka was originally charged with more than 30 offences – including assault. That was reduced to two offences of breaching a court order and harassing his wife, Emma Walters.

But here is the terrifying thing – *Herald* journalist Ben Schneiders revealed recently Setka has been dismissive in private of the charges and his conviction. Once again, Setka is not taking responsibility.

This is a person in a public leadership position. This kind of behaviour – the minimisation, the denial – is utterly unacceptable. He's a convicted criminal. He breached a court order. He harassed his wife.

And his behaviour will bring unions in Australia down with him.

Jenna Price is an academic at the University of Technology Sydney and a *Herald* columnist.

