

July 2019

Common Cause.

SILENCE TO HONOUR LOST COAL MINERS

**ALLAN
HOUSTON**

31.12.2018
SARAJI

**BRADLEY
HARDWICK**

20.02.2019
MORANBAH NORTH

**DAVID
ROUTLEDGE**
26.06.2019
MIDDLEMOUNT

**JACK
GERDES**
07.07.2019
BARALABA



A long white banner is stretched across a grassy field. The banner has black text with some words highlighted in yellow and red. The text reads: "THE MOST IMPORTANT THING TO COME OUT OF THE MINE IS THE MINERWORKER!!". The background shows a line of trees under a blue sky with some clouds.

Silence to honour lost coal miners

A safety 'reset' across the Queensland mining industry this week will start with six minutes' silence to honour six lives lost in the past year – including four coal miners: Jack Gerdes, David Routledge, Bradley Hardwick and Allan Houston.

Starting on Monday 22 July, all Queensland mines will stop production to run through a safety reset program that includes discussion about each site's safety history, performance and particular hazards. The program has been developed collaboratively by the Queensland Government, employers and the union.

The resets will take place over several days to ensure workers on every shift can participate.

Queensland President Stephen Smyth said the Union had been calling for a reset since the tragic death of Allan Houston on New Year's Eve.

"Each fatality has a specific cause. But we have been worried for some time that the safety culture across our industry has been declining as our industry is casualised and production is valued above all else."

"This reset won't solve the problem. But it is a good start. It is an opportunity for every mineworker to have their say and I encourage everyone to take the opportunity to raise their concerns about safety at work."

The Union has been surveying Queensland members ahead of the safety reset. Key findings include:

- Coal miners identified the biggest threats to their safety at work as 'Production valued over safety' and 'workers scared to report issues'.
- A majority did not believe that managers treat safety as a top priority.

- Almost nine in ten coal miners believed casualisation of jobs at their site was compromising safety. As one respondent said: "People need permanent jobs to be confident."

Members will be sent full survey results.

Queensland coal mining deaths this year:

- On 31 December 2018 – New Year's Eve - Allan Houston a 49-year-old dozer operator was fatally injured at Saraji Coal Mine, when the bulldozer he was driving went over the bench's crest and rolled downwards approximately 20 metres, coming to rest on its roof in an area of mud and water approximately two metres deep.
- On 20 February 2019 Bradley Hardwick a 48-year-old grader operator was fatally injured at Moranbah North Coal Mine when a grader exiting an underground coal mine rolled down the drift and collided with a man transporter.
- On 26 June 2019 David Routledge a 55-year-old excavator operator at Middlemount Coal Mine was fatally injured while he was operating an excavator.
- On 7 July 2019 Jack Gerdes, 27-year-old, got entangled in stairs while working on machinery at Baralaba coal.

They went to work, not to die. We extend our deepest condolences to the families of Allan, Bradley, David and Jack.



Tiny by name, not by nature

Our Northern Mining and NSW Energy District is losing a stalwart with the retirement of Darren 'Tiny' Watson, a coal miner and staunch Unionist for over 30 years.

Despite staying in the same workplace, Tiny has seen plenty of change over three decades. He joined the industry at Lemington mine, which went on to become part of Hunter Valley Operations (HVO) in 1993 and had multiple owners – first Exxon then Rio Tinto and now Yancoal. And when he first became a union delegate in 1988 it was with FEDFA, before the amalgamation to join the CFMEU.

Throughout it all, Tiny's commitment to the Union has stayed firm, serving as a long-time lodge official at both Lemington and HVO and member of the district board of management from 2016 to 2019.

"He has always put his hand up to represent workers," says District President Peter Jordan. "Tiny has always been willing to stand up and argue the case that's required. He's made an enormous contribution to our District and we thank him for it."

The bitter Hunter Valley No 1 dispute began before the mine merged with Lemington to form HVO – but the fallout from the dispute where Rio Tinto tried to deunionise the workforce by introducing individual contracts continued long afterwards.

While the workforce had been bitterly divided, the Union encouraged those who had taken individual contracts back into the fold, gradually rebuilding density.

Rio Tinto's efforts were for nothing. HVO still has a strong Union lodge thanks to the efforts of many determined and committed unionists like Tiny Watson.

Rio Tinto was the worst employer he has encountered in the industry, reinforcing his views that cooperation between employers and workers leads to far better outcomes for everyone.

"A mine site definitely works 100% better when management talks to the union and the union talks to management," says Tiny. "If they let us know what is happening and what is coming up, then we can resolve any concerns before they arise."

That's why he says listening is the most important job of the union delegate.

"It's often not a loveable job," he says. "As a delegate you get flak off the blokes about why things are taking so long and you get kicked in the guts by management. But it's very satisfying when you can save members' jobs and resolve dramas."

"You have to listen to everyone and answer everyone – don't just keep information to yourself. Union delegates these days have to be able to talk about everything, from workplace disputes to depression."

Most importantly, Tiny says that being a part of the Union has given him plenty of mateship.

On behalf of everyone at CFMEU Mining and Energy, thanks Tiny!

HISTORY: A MONTH OF TRAGEDY IN COAL MINING

July has a cluster of sad anniversaries for coal miners, with disasters leading to substantial loss of life at Mt Kembla, Box Flat, Appin, Moura and South Bulli. We will never forget those who have lost their lives in industrial disasters and the lessons from each event as we keep fighting to improve safety.

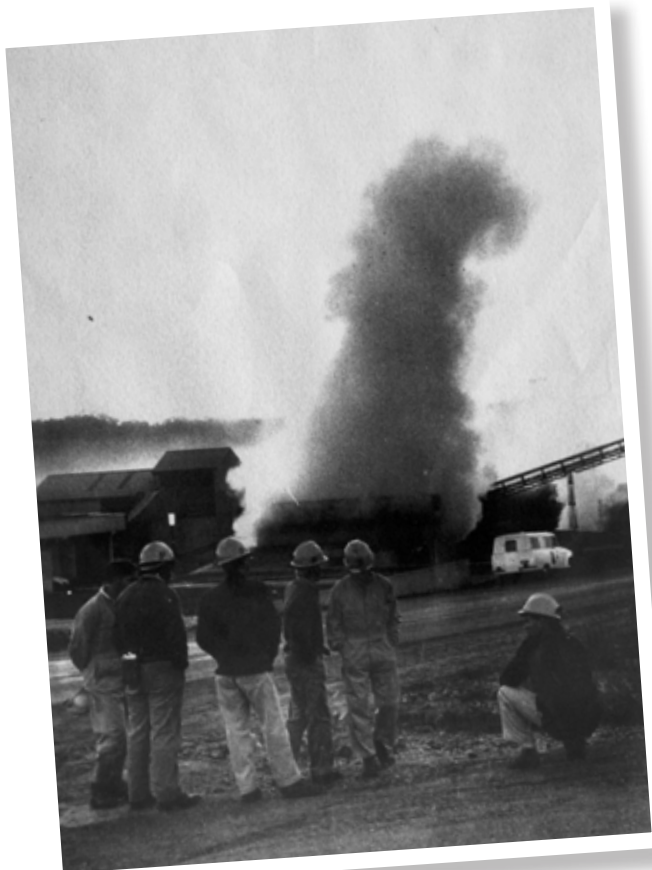
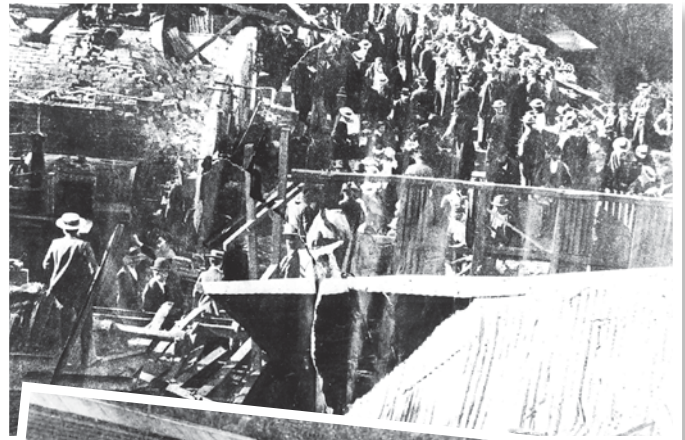
MT KEMBLA - 31/7/1902 — 96 KILLED BY EXPLOSION

31 July is the anniversary of Australia's worst industrial disaster, in 1902, when 96 miners lost their lives in an explosion at Mt Kembla Colliery in NSW.

There were 280 workers underground at the time of the explosion, including young boys. The explosion was so massive it could be heard 11 kilometres away in Wollongong. Recovery of the bodies took several days, and all but one were recovered in a courageous rescue operation. The NSW Parliament suspended sittings, such was the shock felt in the broader population.

A Royal Commission of Inquiry followed. The mine owners attempted to establish a theory that the disaster had been caused by a "fall of ground" and not by the presence of dangerous gas levels. However, the evidence refuted that theory. Not only was gas present in dangerous quantities but the mine managers were aware of that fact.

Recommendations from the inquiry included more testing for gas, better ventilation, improved shot firing practices and the abolition of naked flame lights. It was not until 1925 that the ventilation system at Mt Kembla was replaced, and it was years before naked lights were finally banned.



BOX FLAT - 31/7/72 — 17 KILLED BY EXPLOSION

On 31 July 1972, a fire followed by an explosion at Box Flat in the Ipswich area of Queensland killed 17 mineworkers and severely injured three others.

At about 6pm on Sunday 30 July 1972, signs were detected of a fire underground. A team went underground to check it. A second team went into the mine some hours later to try to make temporary seals. It was then that a tremendous explosion shattered the mine.

Of the seventeen men who were killed, seven of them were members of the rescue squad that had been called to the mine when the fire was detected.

In the face of the danger of further explosions arising from the raging fire, the grim decision was made to seal the mine, leaving fourteen of the victims entombed.

A funeral service was held at the top of the mine.

National leaders of the then Miners Federation (Evan Phillips and Bob Cram) issued a statement, reflecting that *"the coal mining industry has been subject to revolutionary technological changes, and regulations have followed behind these changes. The task is to ensure that there are no long gaps between these technological changes and the necessary legislation to safeguard the men."*

APPIN - 24/7/79 – 14 KILLED BY EXPLOSION

24 July 1979 brought a mine disaster to Appin on the NSW South Coast. An underground explosion, three kilometres from the pithead and 600 metres underground, killed 14 mineworkers. Ten of those died while having their mid-shift meal in the crib room. Some of the survivors made it to the surface but were severely burned.

The judicial inquiry that followed was led by Judge AJ Goran. He found serious communication problems at Appin, which was known to be a gassy mine. He found that the Mines Department had allowed a tolerance of a "continual breach of statutory requirements relating to gas". He consequently made a number of recommendations relating to gas safeguards, including monitoring and warning devices and ventilation. He also recommended the appointment of more local check inspectors.



MOURA NO. 4 - 16/7/1986 - 12 KILLED BY EXPLOSION

On 16 July 1986 an explosion deep underground took the lives of 12 coal mineworkers.

On that day there had been 19 men working underground when the explosion claimed 12 lives in an instant. The seven survivors were able to help each other to the surface through clouds of dust and gas.

Recovery plans for the victims were postponed due to the dangerous prevailing conditions, where high gas levels and near zero visibility were encountered. The rescue team was eventually allowed to resume their heartbreaking task, to recover the victims - workmates, neighbours, comrades.

It left the community of Moura in shock. For the survivors it is a memory that does not fade. Bill Allison, who was a Check Inspector at the time, said at the 30 year anniversary commemoration:

"None of us will forget that morning of the 16th July 1986, it is forever etched in our minds. The friends and family we lost, that day. How could this happen?"

Twenty men went down the mine that day, just an ordinary working day, nothing was happening that day to be concerned about. They said goodbye to their loved ones and went to work, just like any other day. Only eight returned.

We will never know for certain what happened that day, we know how that methane gas was distributed through the workings, but we will never know for certain the ignition source or the events that happened, just before the explosion occurred...

It was only as a result of the heroic efforts of the Mines rescue teams that we were able to recover the bodies and establish what happened. It meant the families at least had a place where they could go to grieve, they knew what happened to them. Thanks to the Mines Rescue teams."



24/7/91 — SOUTH BULLI — 3 KILLED BY ASPHYXIATION

On 24 July 1991, three mineworkers were asphyxiated by gas released during an outburst of deadly gas at the working face at South Bulli coal mine.

The outburst occurred shortly after restarting the cutting of coal after the miner had been stopped for the routine installation of roof supports.

Although dangerous gases had been detected on numerous occasions as this panel had progressed, no gas had been detected on the shift that the outburst occurred nor for at least the previous six shifts. When previously detected it had been effectively handled as a ventilation problem, not as a precursor to an outburst.

South Bulli Colliery was not classified as an outburst prone mine with outburst mining procedures only being introduced when an outburst potential was detected.

The investigation report identified that an outburst management plan had been developed, however, it had not been properly implemented and the quality of the mine's outburst plan was poor.

In response, new guidelines on outburst management were implemented, and legislation to require a hazard management plan to be in place.



Improvements to safety arising from these disasters

Often, arising from a major disaster there have been improvements to safety practices and legislative changes. For instance:



Box Flat:

Introduction of self-rescuers, stronger regulation about fire fighting equipment placed underground, upgrading of mine manager qualifications, improved stone dust legislation, introduction of gas chromatographs on surface.



Moura No. 4:

Banning of flame safety lamps, ban of use of aluminium alloys underground, continuous gas monitoring, compulsory safety induction training.



Mt Kembla:

compulsory use of safety lamps, improved ventilation.



Appin:

extended gas monitoring introduced, appointment of officers to supervise ventilation, more detailed reporting by deputies.



South Bulli:

stricter requirements for managing gas outbursts in underground coal mines.

Dodgy deal: South 32 and PIMS conspire to cut wages



Coal miners in the Illawarra are being urged not to sign up with a new contracting company that has backflipped on hiring workers under a new union deal.

PIMS Group, a new entrant in the heavily-used Illawarra contract labour market, has a contract to build two new roadways at Appin mine. Earlier this year PIMS negotiated a deal to ensure fair wages and working conditions for contract coal miners at Appin. However, at the request of Appin Colliery owners South 32 – who objected to the pay and conditions on offer – PIMS has now agreed to outsource its employees from WorkPac.

This means workers' pay and conditions will be underpinned by the WorkPac Enterprise Agreement, which offers lower rates of pay. The offer also includes a bonus based on metres of road cut, which the Union fears will lead to unsafe work practices among a workforce already vulnerable through lack of job security.

"We are worried that as soon as PIMS comes under pressure from South 32, they will cut workers' pay. We've seen it happen before – we don't want to see it happen again."

"This is a nasty, greedy smoke and mirrors trick dreamt up by South 32 and administered by PIMS Group," Mr Timbs said.

"We believed we had an agreement in principle with PIMS for fair and reasonable conditions for what would have been their workforce at Appin. But it appears South 32 refused to have the worker friendly conditions at Appin, so PIMS and South 32 have decided to use another company to employ the PIMS workforce."

"PIMS is a newcomer in the Illawarra and it couldn't have got off to a worse start. Right now we are urging all coal miners to say 'no' to any employment with PIMS until it stops playing its dodgy game with South 32."

New jobs in NSW coal – but three-quarters are contractors



Latest coal industry jobs data shows that coal jobs in NSW are at their highest level in five years, but growth isn't delivering direct, permanent jobs.

NSW coal jobs data from Coal Services Pty Ltd for March 2019 (the most recent available) shows coal mining jobs rose to 22,307 – the highest level since April 2014. The lowest figure was just under 19,000 in December 2016.

While 3,350 additional coal mining jobs created between the end of 2016 and March 2019 - three quarters of them were employed by contracting companies, not mine operators.

The number of contractors has grown significantly in both underground and open cut coal mines during that time. In open cut, contractors grew less than 5,000 to more than 6,200; and in underground coal mines, contractor numbers have increased from dramatically from 1,440 to nearly 2,400.

The proportion of contractors has grown across the state, but it is the Southern NSW coalfields where the changing workforce profile has been most dramatic, with the proportion of the coal mining workforce being contractors has almost doubled in just over two years from 21% to 41%.

District Vice President Bob Timbs said it was disappointing that an upturn in the industry wasn't delivering permanent jobs. He has written to coal mine operators in the district seeking numbers of permanent and contractor roles at their operators and clarity about their plans for future employment.

"Community support for the coal industry is based on it providing good, permanent, local jobs. If the latest employment figures are an indication that the industry is no longer committed to direct employment, then the community deserves to know."

Coal Services data doesn't tell us whether contractor employees are employed as permanents or casuals. Some contracting companies have good agreements with permanent jobs and are contracted to do a specific or specialist task on a mine site.

However, in a drive to cut costs, mining companies are increasingly using contracting firms to provide casual labour hire workers performing the same tasks as permanent, directly employed workers but at lower rates.

Mining companies outsourcing their labour needs to contractors is creating second and third-tier workforces within coal mines, said General Secretary Grahame Kelly.

"Growth in coal jobs is good news. But that growth should be delivering permanent jobs that support families and sustain communities. Three-quarters of new jobs should be permanent and directly employed with a minority of contractors and labour hire to meet special needs."

Welcome to our new District Vice Presidents

Congratulations to Craig Carberry in the South West and Jeff Scales in Queensland who have won elections for Vice President roles.

CRAIG CARBERRY



Craig has been a coal miner at Ulan Underground in the NSW Central West for 32 years and a lodge official for the past 12 years, holding roles as VP, Secretary and President.

With bargaining for a number of major Enterprise Agreements coming up in the next year or two Craig's focus is on building density across the region.

"Our major concern is to get full-time jobs, there's no job security. I'm going to get out and meet everyone and focus on bringing more people into the fold. We need to bolster membership to get good agreements."

Craig takes over the Vice President role from Graeme Osborne, who has replaced Andy Honeysett as District President. He is based in the District's Mudgee office.

Jeff Scales has worked as an open cut operator at German Creek coal mine in central Queensland for 11 years and has

JEFF SCALES



served as a lodge official and member of the district board of management.

He was involved in the lengthy 2016 dispute with German Creek's owners Anglo American over their attack on conditions, which saw workers strike for 130 days.

He sees the big challenges ahead as casualisation of mining jobs, maintaining conditions in agreements and the Coalition Government's agenda to make it more difficult for unions to operate.

"I'll be focused on engaging members on the ground and protecting their rights and entitlements."

Jeff takes up his role in August and will work out of the District's Rockhampton office, replacing Glenn Power who is now District Secretary.

Are you being paid for pre-starts?

Mineworkers at Queensland's Cameby Downs coal mine have received up to \$17,000 each in backpay after their employer Yancoal required them to participate in pre-start briefings before their paid workday started.

All mineworkers are encouraged to check the terms of their agreement or talk to their Union delegate if briefings are being held outside of paid work hours.

At Cameby Downs, workers on some crews were being bussed from their accommodation camp each morning arriving at the site at approximately 5.40am. They were then

required to participate in a 15-20 minute 'pre-start' meeting about issues that have arisen in the previous shift and requirements for the day, before starting work at 6am.

CFMEU Mining and Energy successfully challenged the practice, with the Fair Work Commission agreeing that the pre-start meetings were not included within the shifts and salaries allowed for under the site Enterprise Agreement.

For some crews, the practice had been in place for years, allowing for substantial backpay claims paid out to workers last week and costing the company about a quarter of a million dollars.

From the General Secretary



Strong EAs the key to fighting bosses' attacks

With bosses attacking mineworkers' rights and conditions on a number of fronts, it has never been more important to have strong union agreements to protect your employment standards.

Accident pay is a recent target, with the major coal mining companies teaming up to cut provisions for injured workers in the Black Coal Mining Industry Award.

BHP, AngloAmerican, Glencore, Peabody, Rio Tinto, South32, Centennial Coal, Yancoal and Whitehaven were all behind a successful application to the Fair Work Commission to reduce accident pay through the award modernisation process.

The cut to accident pay in the Award from 78 to 52 weeks took effect from November last year. The Union appealed the decision to the Federal Court, however earlier this month the Federal Court ruled against us.

It's a terrible outcome which will see money flow direct from injured workers to mining companies. Many Union members won't be affected as they are covered by Enterprise Agreements that specify accident pay provisions and are not dependent on the award. However, some EAs and contracts in the industry do not specify accident pay, meaning Award conditions apply.

Companies will use this change to try and drive down future accident pay provisions in EAs in future rounds of bargaining.

Mining companies – like all employers – will be emboldened by the return of the Coalition Government and we can expect more attacks on our hard-won rights and conditions.

We are already fighting a move by the Australian Industry Group to limit the scope of the the Black Coal Mining Industry Award so that it excludes some contractors – this would let employers off the hook for providing industry standard

conditions for workers and contributing to our portable long service leave scheme.

We are also fighting BHP's shonky Operations Services EAs that have been submitted for approval to the Fair Work Commission and would entrench a second-class workforce within the mining giant's operations. These non-Union agreements were voted up by just a few workers in Western Australian iron ore operations but are designed to cover thousands in BHP coal mines and drive down wages.

We have an excellent legal team with a good track record of success in court. But the reality is that without worker-friendly laws and without a government that will go in to bat for workers, bosses will be taking every opportunity to drive down their wages bill.

The best insurance for protecting the pay and working conditions in our industry – like accident pay – is strong Union agreements in the workplace. To get strong agreements, we need a strong Union presence, including labour hire and contractors. The bosses seek to divide and conquer because they know how much power there is in a united and unionised workforce.

Our Union has good examples of casual labour hire and contractors organising and winning better conditions through strong workplace agreements. There are no short cuts, but by sticking together we can push back against the bosses' attacks on our conditions and our pay packets.

GRAHAME KELLY, GENERAL SECRETARY

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