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Common Cause.



Grosvenor miners celebrate new Lodge



**Mining &
Energy
Union**

Authorised T. Maher, Mining and Energy Union Sydney

GROSVENOR MINERS CELEBRATE NEW LODGE

Coal miners at Queensland's Grosvenor mine were traumatised by an underground explosion 18 months ago. Since then, they've been getting organised and have now formed our union's newest Lodge.

In May last year, five miners at the Anglo American mine near Moranbah were horrifically burned in a methane explosion at the longwall tailgate.

After an 18-month journey something good has risen out of the ashes of that terrible incident.

Our latest podcast tells the compelling story of how the Grosvenor miners, who are all labour hire workers, stuck together and are ready to take on

One Key, Anglo and the labour hire business model. New Lodge President Steven Hall said that

since the new Lodge was officially formed on 31 October, it had received strong support from the Grosvenor workforce with new members joining daily as well as from surrounding Lodges.

"It's amazing, the support we are getting from other Lodges in the area – Goonyella Riverside, Moranbah North and Grasree just to name a few – they have just been so supportive and we are really thankful for that. It makes you feel like you're in a team, it makes you feel stronger."

A priority for the new Lodge is really getting to the bottom of what happened last May, when an explosion left five miners with severe injuries.

"You can't imagine the pain the boys on the face went

through," says Steven. "To have it happen to your friends, to people you know, is really traumatising.

The boys that went to their rescue, they are going to remember seeing their friends on fire, having to put them out physically with their own hands."

While the site of the explosion has been sealed and the causes of the explosion may never be known for sure, the Lodge is committed to making sure members can raise any concerns they have.

New Lodge Secretary Scott Jensen said the labour hire workforce at Grosvenor wanted to work directly for Anglo, with permanent jobs.

"I'm a strong believer in 'same job same pay'. Other Anglo mines are primarily employed by Anglo



whereas we at Grosvenor are 100% employed by One Key and the pay differences are huge.

"The labour hire model is a joke. There's no job security and it leads to a lack of people that are willing to stand up and ask questions for fear of reprisal and retaliation.

"As a Lodge we are going to be fighting for permanent shirt for as long as it takes."

District President Steve Smyth said the formation of the Lodge was a remarkable achievement: "It's fantastic that these men and women have stood up, prepared to stand their ground, have a collective voice and they're all labour hire employees or subcontractors - particularly in the environment that they're working in and against a pretty hostile employer."

Congratulations to our new Lodge!

***Listen via commoncause.cfmeu.org.au/podcast
Or search 'Mining and Energy Union' on your favourite podcast platform.***

'Same Job Same Pay' would end labour hire rip off

A bill introduced to Federal Parliament would end the pay discrimination between labour hire coal miners doing the same job as permanent employees but being paid less.

Labor leader Anthony Albanese introduced the private members' bill – the Fair Work Amendment (Same Job Same Pay) Bill 2021 – on 23 November, but it was immediately opposed by the Morrison Government.

One Liberal MP, Paul Fletcher from Sydney's leafy North Shore, said labour hire exploitation was a 'made up issue' and that less than 2% of workers were employed through labour hire. He's obviously never seen what goes on in coal mines.

Another Liberal MP, James Stevens from inner city Adelaide, insisted that statistics showed that labour hire and casuals in the mining sector are paid higher than average: 'so this is a solution looking for a problem that doesn't exist'.

His statistics clearly aren't based on talking to any real workers – it's common knowledge that the widespread replacement of permanent jobs with casual labour hire has driven down wages, especially in mining.

Labour hire workers typically earn 30 to 40% less than permanent coal miners employed directly by the mine operator.

"If you're working for a labour hire company chances are you're getting as much as 40% less than a permanent worker, even if that worker is doing the same job under the same conditions."

- Anthony Albanese

Labor's bill would make it unlawful for workers employed through labour hire companies to be paid less than workers employed directly, whether by big mining companies or any other employer.

As members would know, the Mining and Energy Union has invested heavily over many years in changing the law to prevent the business model that has seen permanent jobs shrink at the expense of casual labour hire.

Our groundbreaking wins in the WorkPac (Skene and Rossato) Federal Court matters meant coal miners could no longer lawfully be employed as casuals if their work was permanent and on-going.

Many current and former casuals also became eligible to claim backpaid entitlements.

However, we were all gutted when One Nation backed the Morrison Government bowed to business demands to overturn these wins, meaning mining companies could continue replacing permanent jobs with lower paid casuals and exploited casuals were denied the compensation they deserve.

When it comes to restoring rights and permanent jobs in the coal industry – and across many industries – we now need to change the government.

The 'Same Job Same Pay' laws proposed by Labor would end the business model that provides an economic incentive for companies to undercut the wages of workers in permanent jobs who have been able to improve their position through collective bargaining. Having permanent jobs is essential for mineworkers to organise and stand up for better pay and conditions. Anthony Albanese's speech in parliament about Labor's 'Same job, same pay' bill shows that he understands how big mining and labour hire companies are taking advantage of weak workplace laws to drive down pay and conditions in the coal mining industry.

You can listen to Anthony Albanese's speech in Parliament on 'Same job, same pay' at YouTube via <https://youtu.be/j7LTndFr3w>





Tragedy at Curragh

Our hearts are with the family, friends and workmates of mineworker Clark Peadon who was tragically killed at Curragh Mine near Blackwater early on Sunday 21 November.

Clark was an experienced dragline operator, a long-term union member and Vice President of the Curragh Lodge. District President Stephen Smyth paid tribute to Clark as a committed unionist and highly respected coal mineworker.

"Clark was extremely well liked and regarded by his workmates and his union family. He was also a much-loved husband, father and community member.

"Coal miners everywhere are shattered by this news. "On behalf of the whole union, we extend our deepest condolences to Clark's loved ones.

"They have our full support."

Clark was killed while performing cable relocation work on the dragline. The accident is being investigated by all relevant authorities and our Industry Safety and Health Representatives are also conducting a thorough and independent investigation.

Clark's death comes after Graham Dawson was tragically killed in a roof collapse at Crinum underground mine in September.



Mineworkers Trust 2022 Scholarship Applications Open

Applications for our Mineworkers Trust scholarships are now open. There are 20 \$7000 scholarships available for union members and their dependents undertaking further education in 2022.

Application forms are available at <https://me.cfmeu.org.au>

Previous scholarship recipients have recently spoken of the difference the scholarship has made in supporting their studies.

2011 recipient Cassandra Mulcahy was studying for a degree in Medical Radiation Science at Newcastle University and ten years on is now leading a team as a Senior Nuclear Medicine Technologist at Royal Perth Hospital.



2011 Mineworkers Trust Scholarship recipient, Cassandra Mulcahy

"It really helped me, especially with my placements where there were costs for interstate and international travel," she explained, "I absolutely encourage everyone who is eligible to apply."

2019 recipient Ari Patison spoke of the opportunities that the mining industry has afforded her family with her father Jack, a miner at Appin mine part of a long family history in coal.

"I feel as if without the opportunities that the mining industry has provided my family, I would not have had the opportunity to study the Bachelor of Medical Studies/Doctor of Medicine."

Applications close on February 11 2022 and are open to any Mining and Energy Union member, their family members or dependants undertaking courses at the Diploma level or higher at TAFE or university in 2022. Go to <https://me.cfmeu.org.au>

NEW MEMORIAL WALL A SANCTUARY FOR GRIEVING FAMILIES



“THIS WALL IS A REMINDER OF THE TRUE COST OF THE COAL WE MINE. IT IS A PLACE OF SOLACE AND REMEMBRANCE ALL YEAR ROUND”
Tony Maher

District Secretary Shane Thompson, General President Tony Maher, General Secretary Grahame Kelly and District President Peter Jordan

The 23rd of November was a special day for our Northern Mining and NSW Energy District. After the disappointment of cancelling their annual Memorial Day in September for two years in a row due to Covid restrictions, the newly restored Jim Comerford Memorial Wall at Cessnock was officially unveiled.

General President Tony Maher spoke about the legacy of Miners' Federation legend Jim Comerford. Jim started working in the mines as a pit boy at Richmond Main Colliery in the 1920s aged just 13. His firsthand experience of the brutal Rothbury Riot in 1939 – where police fired on locked out coal miners – reinforced a lifelong commitment to the union and the working class. Jim was District President for 20 years from the 1950s through to the 1970s, using his intelligence and commitment to build a strong and effective union that substantially improved working and living conditions for coal miners.



Tony reflected on the importance of the District's annual Memorial Day at the wall as an event for the community to come together, remember its history and support grieving families, but as he noted, the Memorial Wall also provides a place of solace and remembrance all year round.

“This wall depicts the true cost of the coal that we mine. The union and its charitable trust has spent a significant amount of money on the original Jim Comerford Memorial Wall and now this beautiful incarnation.

“The fact that it sits in the grounds of the union office in Cessnock but is available to the community all year round means that people can come to Memorial Days or visit in more private circumstances any time that suits. It shows what a gift it is from the Mining Union to the mining community of the Hunter. It is a gift that should live on forever.”

With support from the Mineworkers Trust – our union's charitable foundation – the District has rebuilt the wall with striking black granite plaques to honour and remember coal miners killed in the Northern District Coalfields.

After painstaking research to identify and correct any errors or omissions of names on the previous wall, it now features 1793 names. The names tell a story about the history of coal mining in the Northern District coalfields and the human toll it has taken. The youngest name on the wall is nine-year-old William France, killed at Pacific Colliery and the eldest is 80-year-old William Howes, killed at Abermain Colliery.

Mt Arthur vax mandate fails over consultation

Late Friday, the full bench of the Fair Work Commission ruled that BHP's mandatory Covid vaccination policy introduced at NSW's Mt Arthur mine was not lawful or reasonable due to lack of consultation with workers.

The decision was in response to a challenge by our Union to the site access requirement for all workers to have had at least one jab by 10 November.

In a lengthy judgment, the full bench found that BHP had breached its health and safety obligations by failing to reasonably consult with workers about the policy in line under state health and safety laws as well as the terms of the Mt Arthur Enterprise Agreement.

Northern Mining and NSW Energy District President Peter Jordan said that BHP had taken an arrogant and heavy-handed approach to imposing the vaccine mandate.

"We are pleased the full bench of the Fair Work Commission has determined that the site access requirement at Mt Arthur was not a lawful or reasonable direction."

"The decision is a win for the rights of workers to be genuinely consulted about matters affecting them under state workplace health and safety laws."

- Peter Jordan

"We will continue to work through the detail of this decision and represent the interests of all our members – especially those who have been stood down without pay as a result of this unlawful direction."

Prior to the decision, BHP gave undertakings that if the site access requirement was found to be unlawful, any disciplinary action associated with refusing to show proof of vaccination would be revoked.

National Legal Director Alex Bukarica said the FWC judgment was relevant in circumstances where a public health order covering the mining industry was not in place.

There are public health orders covering the mining industry in Western Australia and Victoria but not in NSW or Queensland. Legal advice obtained by the union

Phas confirmed that public health orders requiring vaccination are lawful. Public health orders have not been successfully challenged in any jurisdiction. All mineworkers are covered by state-based health and safety laws that require genuine consultation with workers. In addition, union-negotiated Enterprise Agreements include the requirement to consult about major changes.

BHP was found to have not met consultation requirements of neither the NSW Health and Safety Act nor the Mt Arthur Enterprise Agreement.

The judgment said that BHP's mandatory vaccination policy could be found to be a lawful and reasonable direction in future if reasonable consultation were to take place.

The Union's legal team is working through the detail of the judgment and members will be informed of any next steps.

Our Queensland District has filed a dispute in the Fair Work Commission regarding the implementation of BHP's mandatory vaccination policy at Queensland coal mines, due to come into effect on 31 January.

Congrats to all our Members who participated in Movember. Stellar effort from WA Member and mental health champion Nigel Gould.





From the General Secretary

We need new laws to stamp out labour hire business model

Members in the Hunter Valley and Central Queensland will start hearing radio ads this week, developed by our Union to raise awareness about the need for permanent mining jobs, with permanent pay and conditions.

For too long, mining companies have exploited weak workplace laws to replace good, permanent jobs with casual labour hire on lower wages. At many coal mines now, no-one is employed under the site union-negotiated enterprise agreement and the only jobs available are through labour hire companies.

While contracting was once considered a stepping stone to a permanent job, it is now the reality for many coal mineworkers for years on end.

As Members would know, our Union has invested heavily in changing workplace laws to make this practice unlawful. And we have had some big wins, notably in the *Workpac v Skene* and *Workpac v Rossato* Federal Court cases. Judgments in these cases found that 'casual labour' hire mining jobs were not really casual at all due to the regular shifts, full-time hours and long advance rosters.

But under pressure from employers, the Morrison Government and One Nation teamed up to overturn our big legal wins, voting up retrospective legislation in March this year that says you are a casual if your employer calls you one.

This has condemned many coal miners to remain in casual employment and killed off our class action against Workpac that would have delivered millions in compensation to casual labour hire coal miners.

When it comes to legal avenues for challenging the labour hire business model, designed to undermine collective bargaining and drive down wages in the coal mining industry, we are at a dead end. Changing the government is now the only way to restore permanent jobs with fair pay and conditions to our industries. That's why we are investing in an advertising campaign for the upcoming federal election, to be held before May 2020.

We believe Labor's proposed 'Same Job Same Pay' laws will make a real difference for labour hire workers in the coal industry, by legislating that labour hire workers must be paid at least the same as direct employees performing the same work.

Same Job Same Pay laws will deliver economic benefit to mining communities by stopping mining companies implementing blatant wage-cutting strategies that cut the share of profits going to workers and handing it to shareholders and executives instead.

Our ad campaign, featuring coal miners, community members and candidates, will encourage residents in coal mining communities to vote for permanent jobs and work rights.

We are delighted to have two coal mining members running for federal parliament this year – Dan Repacholi in Hunter, NSW, and Russell Robertson in Capricornia, Queensland.

We know that Dan and Russell will be great advocates for our industries, communities and Members. We are proud to support their campaigns and we look forward to engaging with all Members about the issues that matter to mining and energy workers.

Grahame Kelly, General Secretary



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NEED
PERMANENT JOBS**

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