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March 2023



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# BHP OS WORKERS VOTE

# NO!

BHP OS Production workers aren't interested in your cut-price deal.



BHP has suffered a major setback in its push to roll out substandard Enterprise Agreements for Operations Services employees, with Production workers voting no to the deal which includes no set pay rates or guaranteed pay rises.

Earlier in March, BHP put two agreements out to its Operations Services workforce, offering a \$5000 sign-on bonus. While the Maintenance Agreement was voted up by employees, the Production Agreement was voted down.

Queensland Senior Vice President Mitch Hughes said the 'No' vote from production employees sent a strong message to BHP.

"BHP should listen to the message from these results that many of their OS employees are not happy with the employment model," he said.

"This result will allow us to go back to the bargaining table and keep fighting for a better Agreement, as we also fight the unfair in-house labour hire set-up. BHP should not be allowed to continue to undermine wages and condition achieved through genuine collective bargaining by direct employees."

During lengthy negotiations, the Mining and Energy Union has pushed for a strong and comprehensive Agreement for BHP OS Production workers. BHP put forward a minimal 'safety net' Agreement that

meant many key conditions were covered by company policy, not the Enterprise Agreement. BHP did not include pay rates or guaranteed pay rises in the Agreements, instead only guaranteeing wages would be at least 5% above the Award.

BHP have already used their company policy to alter the conditions for Accident Pay, Long Service Leave paid as if at work, Christmas and Boxing Day payments and wage increases for Production workers.

It is disappointing that MEU members covered by the Operations Services Maintenance Agreement – which applies widely in Western and South Australia as well as Queensland – will now have their conditions locked in, unless the Agreement can be challenged, said Mitch Hughes.

“We will still be actively representing our Maintenance members as we go back to the table and get a better deal for Production members,” he said.

At the same time as representing OS members at the bargaining table, the MEU is still fighting for strong Same Job Same Pay laws to close the loophole that allows companies like BHP to get around collective agreements by outsourcing large parts of the workforce.

The Federal Government has committed to introducing Same Job Same Pay laws later this year, to prevent companies paying labour hire workers less than permanents when they perform the same work.

## ‘Don’t let us become a stranded asset’



MEU members from power stations around Australia travelled to Canberra last week to make their case for a federal authority to support jobs and communities.

Members from Callide, Mt Piper, Eraring, Yallourn and Loy Yang A power stations joined an ACTU delegation to meet with politicians from across the political spectrum to call for urgent funding for an Energy Transition Authority.

As coal-fired power stations face accelerating closure dates, unions want an Authority with a long-term remit to oversee regional economic diversification and support for workers including multi-employer redeployment schemes, relocation packages, retraining and options for early retirement.

The MEU team met with over 25 MPs including Workplace Relations Minister Tony Burke, Assistant Minister for Education and Regional Development Anthony Chisholm, Tasmanian Senator Jacqui Lambie, ACT Senator David Pocock and Senate Leader Sue Lines.

Others, including Climate and Energy Minister Chris Bowen, attended a briefing addressed by ACTU President Michele O’Neil and MEU delegate and Eraring Power Station worker Scott King.

Scott told the briefing of the shock he experienced when in February last year, Eraring’s closure date was brought forward by seven years to 2025.

“We were all blindsided and shocked to the core.

“To put this into context in 2017 workers in my power plant were told we would close in 2032.

“The transition is inevitable. As this transition takes place – there’s a lot of talk about the future net zero economy. But for those of us caught up at the frontline of the transition don’t know what we are transitioning to.

“My employer has brought in training specialists to assist us with retraining – but no-one can tell us what we should be retraining to or where the jobs will be.

“The people in the industry who for generations

have powered our country have no security about on-going jobs. As workers, we are worried that we will become a stranded asset.”

MEU Delegate Richard Clark from the Latrobe Valley’s Loy Yang A Power Station said his priority was protecting his community.

“I came to Canberra to advocate for my community to make sure we don’t get left behind as we transition away from coal-fired power stations.”



# Win: the boss can't force you to work public holidays



A major legal win by our union means bosses will need to give workers a choice before rostering them on to work public holidays including Easter and Anzac Day.

Our Union challenged BHP's insistence that Operations Services workers at Daunia mine work Christmas and Boxing Day as a regular part of their roster in 2019.

We successfully appealed an original decision by the Federal Court that OS could require employees to work on public holidays, with the Full Court of the Federal Court this week ruling that requiring work on public holidays breached the National Employment Standards. Instead, the Full Court found that an employer can request that an employee works on a public holiday, and that that request is the start of a discussion with the employee about whether they will agree or refuse to work the public holiday.

In this case, OS production workers at Daunia had been provided with employment contracts to say they 'may be required to work on public holidays'. Many employees who then applied for leave at Christmas were denied, with OS stipulating that just six people per crew could be away. The workers able to take leave were chosen by a lucky dip, where names were picked out of a hat in front of a crew meeting, with those workers unable to take leave at Christmas again for two years.

This week's decision means OS faces penalties for breaching the Fair Work Act. However, the impact of the decision extends far beyond OS to the broader coal mining industry and beyond.

"This is a fantastic win for workers that restores genuine choice over working on public holidays," said Mining and Energy Union General President Tony Maher.

"It is common practice for employers in the mining industry to require employees to work on public holidays when they fall during their roster hours.

"This practice has been found to contravene the National Employment Standards and employers will need to adapt and provide workers with a genuine

choice that allows them the right to refuse.

"The right for workers to spend time with friends and family at important times of the year was traditionally respected by mining companies, however this has been eroded under pressure for non-stop production.

"It is commonly labour hire workers – like BHP's Operations Services workers – who are forced to work on public holidays without any choice or incentive provided.

"As a result of this decision, mining companies and all employers will need to be more respectful of employees' rights to enjoy public holidays and come up with ways to provide choice."

The Full Court reaffirmed that under the National Employment Standards employees are entitled to paid absence from work on public holidays, with the Judges noting that the inherent power imbalance between employers and employees could ordinarily prevent people from asking for time off.

"By virtue of this imbalance, employees will often feel compelled, and not understand, that they have the capacity to refuse a request that is unreasonable or where their own refusal is reasonable.

"The requirement that there be a 'request' rather than a unilateral command, prompts the capacity for discussion, negotiation and a refusal."

The decision may mean that rosters covering public holidays have to be presented in draft form for discussion before workers can be rostered on to work public holidays.

We expect mining companies to change their practices regarding public holiday rostering over time as a result of this decision. While the nature of these changes becomes clearer, the MEU will work with members regarding the circumstances at their workplace and whether they may have reasonable grounds to refuse to work on public holidays.

BHP's Operations Services labour hire company OS MCAP has 28 days to appeal the decision.

# Hydrogen investment brings hope to the Latrobe Valley

A \$2.3 billion investment by the Japanese Government to commercialise a coal-to-hydrogen plant in Victoria is set to create 1,000 ongoing jobs in the Latrobe Valley and the Port of Hastings.

This investment is a great step towards providing career pathways for coal mining and power workers facing displacement.

This project will create hope and opportunity for working families in the Latrobe Valley, where prior and impending coal-fired power station closures were creating deep anxiety for the region's future.

The HESC pilot project has demonstrated that carbon-neutral hydrogen can be economically generated from Latrobe Valley coal and transported to Japan.

Expanding and commercialising this project helps the Japanese economy's energy transition, while also building a viable new industry to support the economic transition of the Latrobe Valley.

Mark Richards, Victorian District Secretary said that the project will create more than 1,000 jobs in the operational phase, with about half of those jobs in the Latrobe Valley.

"Modelling done following the HESC trial has identified 500 ongoing jobs in the Latrobe Valley and 500 ongoing jobs in the Port of Hastings."

"Workers in coal-fired power stations and the mining industry are incredibly relieved that there appears to be a genuine pathway to the jobs of the future, while meeting environmental concerns.

"We speak a lot about jobs of the future, but it's difficult to grasp what exactly that will look like.

"With this announcement, workers in the Latrobe Valley can now actually see where they may be working in the future, and what those jobs will actually entail and that is really important."

We are hopeful this can open a pathway for producing other carbon-neutral products from Latrobe Valley coal.

The hydrogen plant is the first real step towards economic diversification of the Latrobe Valley and could open a pathway for producing other carbon-neutral products from Latrobe Valley coal including urea, ammonia and Adblue, supporting Australia's self-sufficiency in these products.



# 11 Tips for nurturing strong relationships while working FIFO/DIDO

For many workers in the Australian mining industry, Fly-In-Fly-Out (FIFO) or Drive-In-Drive-Out (DIDO) work arrangements are common. This type of work can be challenging, especially when maintaining strong relationships with your partner and children. If you're a FIFO/DIDO worker, here are 11 practical tips to help you and your family.

1. **Align on goals:** Ensure you, your partner, and your children understand the reasons behind the FIFO/DIDO lifestyle and share the same objectives.
2. **Communicate creatively:** Use phone calls, texts, video calls, handwritten letters, or even recorded bedtime stories to stay connected with your family while away.
3. **Schedule convenient communication:** Agree on regular times for calls that suit everyone, but also send spontaneous thoughtful messages.
4. **Share everyday moments:** Discuss big and small events in each other's lives to maintain a strong bond.
5. **Keep tougher conversations for face-to-face interactions:** Limit phone conversations to lighter topics and save more difficult discussions for when you're together.
6. **Stay updated on family activities:** Keep a calendar or diary with essential dates and events related to your partner and children for conversation topics.
7. **Agree on discipline strategies:** Consistent parenting rules will prevent confusion and stress in the household.
8. **Establish a return home routine:** Discuss and plan how your time will be spent when you return to minimise surprises or resentments.
9. **Plan quality family activities:** Consider existing commitments and try to spend individual time with each child.
10. **Prioritise couple time:** Schedule date nights and find ways to give each other space and downtime to maintain a healthy relationship.
11. **Utilise support resources:** Contact Employment Assistance Programs (EAP) or organisations like MATES in Mining for additional advice and support.

Remember, with the right approach and planning, the FIFO/DIDO lifestyle can be a rewarding experience for the entire family.

## BHP caught out sacking contractor for raising safety fears



In an important legal win, the Federal Court has found that BHP unfairly sacked a Workpac labour hire operator at one of BHP's Queensland mines because he exercised his workplace rights by raising safety concerns.

The MEU member was employed casually by WorkPac and placed full-time as an operator at one of BHP's Queensland mines. In December 2019, he raised a series of concerns including a failure to stop work when there was lightning nearby, an oil leak on a truck he was directed to operate and dangerous operation of vehicles.

The member was stood down and asked to show cause as to why his employment should continue. He was then advised his access to the mine had been revoked by BHP due to a technicality over placing an 'out of service' tag in the incorrect place on a truck; and his assignment was at an end.

Justice Collier found that our member faced adverse action by BHP due to exercising his workplace rights to raise safety concerns. BHP now faces fines and compensation payments, to be determined by the Federal Court.

In the case brought by our Union, Justice Collier found it was likely the worker was targeted by BHP management and he rejected BHP's claims his presence on site was a safety risk.

"Rather, the evidence indicates that he insisted on exercising workplace rights at the mine, and that in so doing he essentially aggravated management."

She said that the breach of tagging protocol would normally be at the lower end of any disciplinary outcome, resulting in a warning and not job loss.

Queensland District President Stephen Smyth said the matter confirmed the issue raised by many workers and flagged in the recent report tabled by the Queensland Parliament's Inquiry into Coal Mining Industry Safety. That is, that workers face retribution if they raise safety concerns.

"Our member exercised his legal right and obligation to raise safety concerns, and BHP stood him down immediately.

"The industry keeps saying there's no evidence that retribution occurs. Well, here it is.

"The Federal Court ruling in our favour was a great win for the operator, but it also sends a strong message to companies such as BHP that they can't sack people for raising legitimate concerns.

"This ruling has shown loud and clear that this is unlawful behaviour, and we will fight them on this because it is simply unacceptable."

This case follows another Federal Court win in the long-running matter of our member Kim Star, a WorkPac contractor who was sacked by BHP after raising safety concerns in 2017.

After the Fair Work Commission ruled she was unfairly dismissed by WorkPac, the Federal Court was found to have taken adverse action against her by fighting her return to the workplace. BHP was ordered to pay compensation late last year.



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# Your guide to understanding the Safeguard Mechanism

**The Albanese Government released its set of proposed reforms to the Safeguard Mechanism in January and legislation is set to be introduced to Parliament this week.**

**The reforms affect over 200 industrial facilities and mines that produce more than 100,000 tonnes of on-site emissions each year. About one quarter of these sites are coal mines, where on-site emissions stem from diesel use and fugitive emissions from coal seams.**

**Here's what it is and what it means for mining and energy workers.**

## **What is the Safeguard Mechanism?**

The Safeguard Mechanism is a policy that will require heavy industrial emitters to gradually reduce greenhouse-gas emissions in line with the Federal Government's targets.

The Government's current emissions reduction target is an overall 43 per cent greenhouse gas emissions reduction target below the 2005 level by 2030. The Safeguard Mechanism was originally established by the previous Coalition Government and Labor's reforms are designed to ensure that it works effectively by requiring heavy industry to reduce its emissions proportionate to the 43 per cent target.

If Safeguard Mechanism sites can't make the required cuts, they need to buy carbon credits. These credits can either be purchased from other facilities that have reduced their emissions below the required levels, or by buying Australian Carbon Credit Units.

## **How will it work?**

The Safeguard Mechanism means that large industrial sites, including coal mines, need to keep their emissions below a certain level.

The baseline emissions levels will be reduced

by around 4.9% per year to 2030. However, there are flexibilities in the scheme to support sites that are trade-exposed or where emissions-reduction technology is in development but not yet commercially available.

Sites that are doing well under the policy and who are emitting below the baseline can receive additional credits to sell to other sites.

For coal mine operators, there have been some significant advances like ventilation air methane abatement technologies. Their uptake can help to extend the life of coal mines and the jobs they sustain. If done well, the Safeguard Mechanism can incentivise emissions reduction in a way that doesn't lead to early closures.

Power stations are not covered by the Safeguard Mechanism individually.

Instead, there is an industry baseline set for grid-connected energy generators recognising that they operate through a National Energy Market. The sectoral baseline is set at 198 million tonnes CO<sub>2</sub>-equivalent – which is based on industry emissions 10 years ago – but current emissions from grid-connected generation are about 50 million tonnes below due to the closure of coal-fired power stations and increase in renewable energy entering the grid.

## Does the Safeguard Mechanism mean no new coal and gas projects will be approved?

No. The Federal Government did not agree to Greens demands for a ban on new coal and gas projects. The scheme is designed so that new coal and gas projects can be approved and be covered by the scheme as long as overall emissions keep declining.

## How does this affect mining and energy workers?

Fifty nine of the 215 facilities covered by the Safeguard Mechanism are coal mines.

We recognise that resource exports are critical to Australia's economic prosperity and that Australia's heavy industries continue to provide secure jobs with good pay and conditions to thousands of people across the country.

We have been participating in Government consultations to advocate for a Safeguard Mechanism where sites are supported to reduce their emissions intensity, rather than forced to reduce production or close.

We have consulted with mining industry employers on how they expect the policy will affect their sites. Several major mining companies already have their own emissions reduction and net zero targets in place and welcome the certainty that will be provided by the policy. While many expect compliance with the policy will be difficult, there is a widespread recognition that emissions need to be curtailed and that certainty provided by the scheme

will trigger investment in emissions-reduction technologies.

The Government has promised further consultation to ensure that the scheme works appropriately in the coal mining sector, given the variability of emissions depending on the coal seam and depth of mining.

## Where to from here?

The Safeguard Mechanism will be the most substantial climate policy faced by heavy industry, and the Government's proposed reforms have achieved broad support among industry, relevant unions, and policy experts. And the Government now appears to have the numbers in Parliament for the reforms to go through.

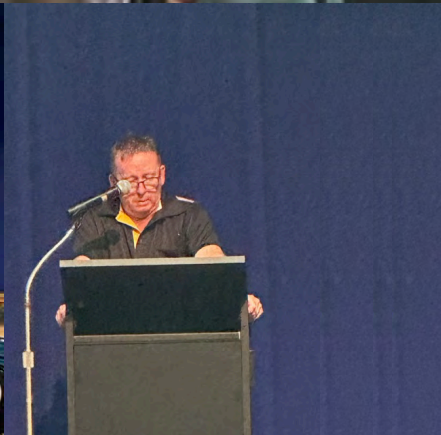


# Biloela Community Energy Forum



The Queensland District brought the community together in Biloela to discuss the future of energy in Queensland. The forum coincided with the release of the District's new discussion paper on carbon capture and storage opportunities in Queensland.

Biloela is a small Central Queensland community that is already at the front-line of the energy transition in Australia. The town is home to Callide Power Station and the open-cut Callide Mine, which supplies around 6 million tonnes of coal to the power station each year (in addition to supplying coal to alumina refineries and export customers in Asia). Together, they directly employ several hundreds of workers and underpin the local economy.



Callide B Power Station was slated to close in 2028 even before the Queensland Government announced its plans to phase out publicly-owned coal power by 2035. MEU representatives, alongside representatives from other unions, have been participating in discussions with power station-owner CS Energy through the Callide Futures Group forum. However, the future of Biloela remains uncertain, with little sign of an industry that could provide a similar number and quality of jobs.

The MEU Community Energy Forum provided an opportunity for locals to discuss their concerns for the future and how to face the challenges ahead. Attendees also gained an insight into the transition experience of their West Australian counterparts in Collie, with a video message from Bill Johnston, the WA Minister for Energy, and a contribution

from MEU WA Secretary Greg Busson. As many regions across Australia are faced with closures, sharing knowledge on how to support communities and workers through upheaval will be essential. Even more important will be the establishment of a National Energy Transition Authority that can coordinate and provide much needed funding and industry planning to transitioning regions.

The Forum was well attended, with locals sharing their concerns about maintaining energy security and protecting jobs in the years ahead. Safety is also a big concern, with Callide Power Station recording a number of close-call incidents recently, including the collapse of part of the cooling tower a few months ago. Hopefully, the Forum will be just the beginning of community consultation and engagement on these important challenges.



# Camp standards needed for worker comfort, health and safety

The Western Mine Workers Alliance (WMWA) has launched a campaign asking members to review and endorse a vision for a Code of Practice for WA FIFO Camp Standards, that supports worker comfort, health and safety.

Members are being asked to sign a pledge which will support the WMWA's efforts calling for a Code of Practice, to make 'best practice' for camp standards the norm, not an exception for a lucky few.

In 2022, the WMWA surveyed over 700 WA mineworkers on their views on camp standards. The survey revealed that three-quarters rated their camp as poor and there was near universal support for minimum standards across the industry.

Additionally, feedback from respondents reveals that most workers in the Pilbara are living in camps that are substandard in one or more important areas.

Following the survey, the WMWA met with the WA Government regarding developing a Code of Practice for WA FIFO Camp Accommodation and Security.

The WA Resources Minister has now directed WHS commission and Mining and Petroleum Advisory Committee (MAPAC) to consider development of a Code.

WMWA has a seat on MAPAC and is advocating for development of a FIFO Camp Code in the interests of our members.

This is an important step to improve WA FIFO Camp Standards, but we need members to get on board with the campaign and show their support for a

Code of Practice by signing the pledge.

A fortunate minority of workers in the industry enjoy camp facilities that support their comfort, safety and physical and mental health.

But it's not good enough for our mining companies to have one or two flagship camps that they promote in glossy brochures while most of their workers stay in cramped tin cabins down the road.

Many thousands of workers fly into the Pilbara each week, spending more time in remote workers' camps than at home with their families.

Their hard work contributes directly to the enormous profits of companies like BHP and Rio Tinto – and the rivers of gold that pour into state coffers.

WA FIFO workers deserve to have their living conditions in camp backed up by legislated minimum industry standards in areas like food, recreation, safety and access to medical facilities.

We need a code that takes a broad approach to workers' wellbeing and makes 'best practice' the norm across the industry, not the exception for a lucky few.

Any code for FIFO camp standards must be regarded by industry as the minimum requirement, providing a floor below which camp amenities must not drop.

The WMWA has heard from our members that enforced minimum standards are necessary to lift the conditions of camps and improve worker wellbeing.

# At last: fair long service leave for casual coal miners

## Message from the General Secretary



Casual coal miners will finally have their hours fairly counted towards long service leave under new laws being introduced to Federal Parliament this week.

Measures included in the Albanese Government's Protecting Worker Entitlements Bill fix an unfair provision in the Coal Long Service Leave Act that limit the number of hours counted towards long service leave to 35 per week.

Because coal miners work compressed rosters – which can include long hours one week and few hours the next – casual miners were being denied their full entitlements.

Australian coal miners have a very good long service leave scheme, but it needs updating to close loopholes and reflect the nature of today's industry.

Casuals have been short-changed because there has been no provision to average out the 35 ordinary hours over the roster cycle, as is the case for permanent employees.

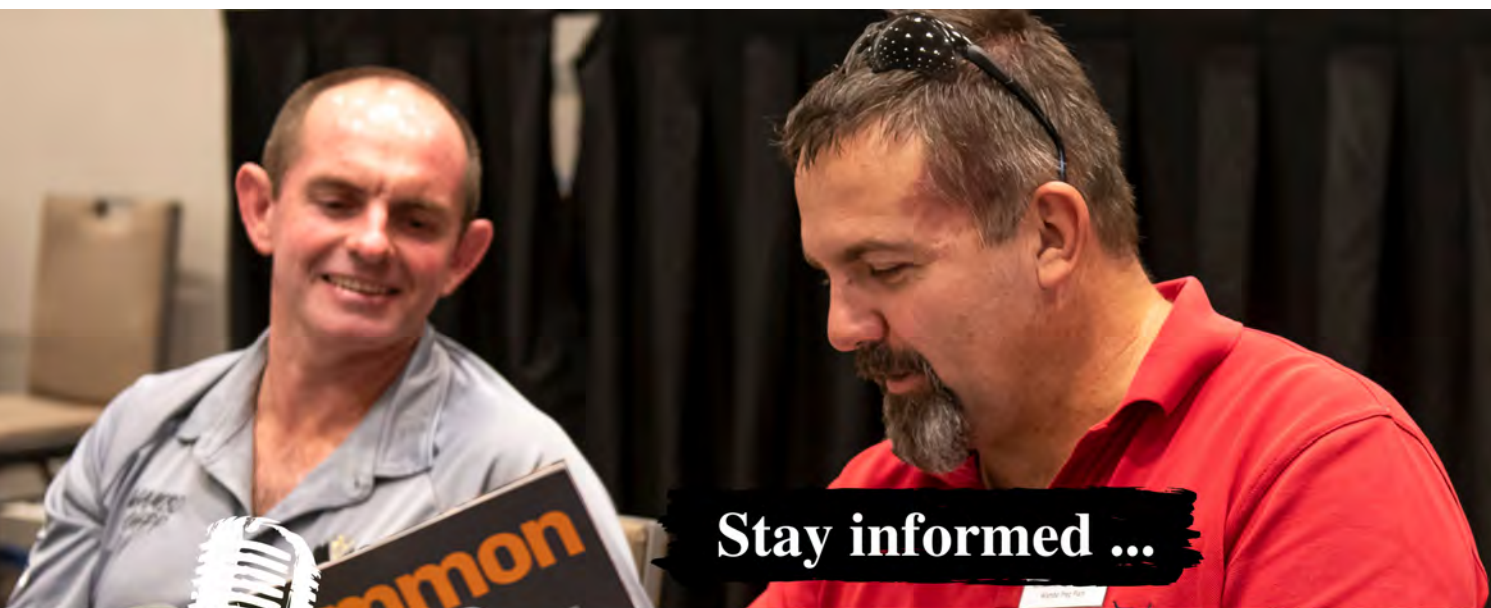
We have been arguing for change for years and we

made the case for addressing this inequity for casuals in our submission to the 2021 review into the Coal Long Service Leave Scheme.

After the previous government failed to act, we are very pleased that the Albanese Government has seen the importance of addressing this issue, which affects many thousands of workers across our coalfields.

It means they will receive long service leave entitlements – whether in time off or accrued entitlements on retirement – that reflect their actual hours worked.

Mining companies' aggressive push to casualise the workforce has undermined rights and entitlements for coal mineworkers across the industry. We are very pleased to have a Federal Government and a Workplace Relations Minister in Tony Burke who are willing to push back and strengthen laws in the interests of workers.



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