

MAY 2021

Common Cause.



Jeff backs coal miners in crucial NSW by-election

"We need a coal miner in parliament to stand up for our jobs"



Jeff's hat is in the ring for Upper Hunter

Northern Mining and NSW Energy District Vice President Jeff Drayton has thrown his hat in the ring for the crucial Upper Hunter by-election on 22 May. And if elected, the first thing he'll do is introduce a bill to boost permanent jobs and 'same job same pay' for coal miners.

Jeff Drayton is running for Labor in the electorate, which is home to the highest concentration of coal miners in NSW. Jeff worked at BHP's Mt Arthur mine for 10 years before becoming a full-time union official for 10 years. Launching his campaign, Jeff said:

“I'm a coal miner and a proud coal miner. Every time I open the newspaper or every time I turn the TV on I see somebody having a go at coal miners and that has to stop. And I'm going to fight bloody hard to make sure that does.”

Labor has announced a five-point plan to improve job security, rights and safety for coal miners in NSW:

1. Forcing mining companies to directly employ 80 per cent of workers on sites – This will be a condition of consent applying to resource planning approvals for new mines and extensions.

2. Imposing jail time for mining bosses that breach a new industrial manslaughter offence – a new industrial manslaughter offence will be created in law that will see individuals prosecuted if negligence causes death.

3. Requiring mining companies to engage in safe and fair workplace practices – this will be added as a requirement of the 'fit and proper person' test under the Mining Act.

4. Ensuring labour hire workers receive the same pay as directly employed workers – this will be imposed as a registration condition for labour hire companies on mine sites.

5. Delivering a local jobs test - when existing mines in NSW are moving towards greater automation of operations, a local jobs test will require them to consult with employees on stakeholders on a transparent Local Jobs Impact Statement; meet a 'No Net Job Loss Test'; train existing employees for new roles and locate control rooms and technical facilities on-site or nearby.



“I know exactly what it's like to work on a mine,” said Jeff.

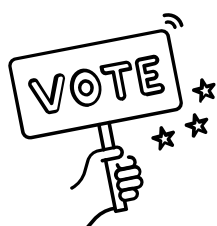
“Mineworkers have been fighting for job security while mining companies cut permanent jobs and replace them with casual labour hire – or try and automate them out of existence. We need to do everything we can to restore permanent secure jobs to the mining industry.”

While industrial law is primarily a Federal Government issue, Labor's legislation takes every available opportunity to use state laws to improve conditions for coal miners.

“I'm confident this legislation uses every lever available at the state level to address issues affecting coal miners.

“The first thing I'll do when I get to Macquarie St in Parliament is introduce the legislation to enact this 5-point plan.

“Coal mining delivers rivers of gold to state coffers, but coal miners don't get much in return. This is why we need a coal miner in parliament, to stand up for our rights, jobs and communities.”



Members living in the Upper Hunter electorate can cast a pre-poll vote ahead of the 22 May. Sites for pre-polling are here:
<https://tinyurl.com/2pefcvz5>

MAY DAY IN MORANBAH



Mel's safety journey is full of firsts



Mel Shore is a check inspector at Mt Arthur South. She spoke at the Northern Mining and NSW Energy District AGM about being the first female checkie in the District and some of her other firsts in the mining industry. Here's what she said:

I'm standing here speaking to you as the first female check inspector in the Hunter Valley coal industry. It's a role that I'm honoured to have however I'm not going to single myself out as anything but a coal miner and union member in a position trying to make my site and our industry safer.

My story starts with a lot of firsts, a few I want to share with you today.

My first role in mining was in a small gold mine in Cobar in Western NSW. The local goldmine was kicking off and employing truck drivers. I went and saw the local contractor who owned the equipment and told my first lie - I told him I could drive trucks. The trucks I meant were flat beds on a dairy farm picking up hay with my family!

However, it was enough for him to take a chance on me and give me my first mining job. The mine was more like a small hole in the ground with one ramp and one dump.

I was the first and only female on site.

It was the place I had my first slide - from top to bottom on that ramp daily as our only water cart driver flooded the shit out of everything.

It was also the place I tipped my first loads on a dump that had no windrows as our dozer driver didn't believe in them. You simply reversed back until you felt your truck sink then tip your load - it was that simple.

It was also the place I saw my first serious accident. This was a fellow worker lose control on a haul road like I said old watercart driver had been through and flooded the haul road they then tried to descend a ramp, totally lost control and ended up climbing the windrow and upside down on the roof. It was the first time I ran from my truck to pull a work mate out of an upside-down truck. There was no rescue crew and luckily there were no injuries.

I would regularly relay the stories of this mine and my first mining job to my Dad. Dad was at Bulga Coal and at the end of each story dad would tell me to get onto the union rep but there was no union or rep.

Having overshared so many unsafe stories with Dad, like the one about the shot that went wrong and took out the crib hut, or the guy who rocked up to work stoned and took out the reject bin, I decided it was time to come home and was lucky enough to score a job with Pegasus at Mount Thorley Warkworth and 6 months later I was made permanent with Rio.

Again, I was the first female on crew although Jodie Cam (currently Lodge Vice President at Liddell Open Cut) had been there a few months before me. She was the first mother I knew working permanent night shift while trying to raise a young daughter.

I remember being with my trainer for the first time fuelling up. I had come from a pit that didn't have any PPE so I grabbed the fuel hose and turned around to connect it to the truck when he yelled "Stop. We are coal miners; we don't get dirty. Put gloves on!".

It was the place I was first introduced to the union, Borax (Wayne Boreham from Mount Thorley Warkworth) signed me up. I was now for the first time a proud union member. However, it wasn't the end of the firsts I experienced, with the first death of a fellow union member, friend and worker from cancer.

I experienced for the first time a multinational company treat their workforce as a number and try and replace us with individual agreements or workers out of Queensland.

It was the first place I'd seen anyone trained or promoted onto other equipment.

It was the first place I'd seen someone sacked, first Christmas party, first Union meeting - the list of firsts were endless.



Women delegates forum at District AGM

So why am I telling you about my firsts?

Because all these things have shaped who I am and why I'm standing here today and why I am part of this union and the safety journey on my current site.

These firsts are all happening now on your mine site - the trainee going too quick and losing control, the dozer with inadequate windrows and the truck that doesn't want to reverse back but does, the watercart that floods the roads and parks up for the night, the parent who's been awake all day trying to return to work on nightshift with no sleep and sick children.

We all see and hear about it every day, however the firsts we need to be remembering are:

- The first hazard you filled out and cared enough to chase up with the company
- The first time you pulled up a run because the roads weren't up to scratch
- The first time you spoke to the watercart driver and asked them to back it off
- The first time you tagged out a tired work mate so they could manage their fatigue
- The first time you represented a worker and saved their job.

Six weeks ago, I attended my first union Convention. We sat in this very place and voted to start another first - the venture of the solo mining and energy union. I was proud to be able to tell Dad this is the union that represents me!



Mel Shore (Mt Arthur South Site Check Inspector) with Clare Bailey (Mt Pleasant Lodge Secretary) and Jodie Cam (Liddell Open Cut Lodge VP)

We all have a role to play on safety on our sites and I want you to speak up first.

I'm grateful for the support I've received from my Lodge Delegates and fellow Check Inspectors and of course Tony Watson leading the way on safety.

We are all leaders of our industry and as we continue to transition into the future, I'm grateful for the lifelong friends I've made and all the firsts I've had along the way.

I'm grateful the union has been there to support our workforce and look forward to the challenges ahead.



**Our Union's
Future**

Update: Member ballot to withdraw from CFMMEU

The first court hearing for the Mining and Energy Division's application for a member ballot to withdraw from the CFMMEU has been set for 8 June.

The Construction-dominated CFMMEU national office has flagged it will try and prevent the ballot from proceeding. Their first argument concerns the relevant date of amalgamation relied in the ballot application - whether that it is 2018 when the MUA and TCFUA joined to form the CFMMEU, or the original amalgamation to form the CFMEU in 1992.

The Mining and Energy Division has argued the 2018 date is relevant under the Fair Work (Registered Organisations) Act. Arguments on this threshold issue will be heard by a full bench of the Fair Work Commission on 8 June and the outcome will determine the timeline and nature of proceedings.

General President Tony Maher said the Mining and Energy Division's ballot application reflected the wishes of its democratically elected decision-making forums.

"Our Central Council and National Convention have unanimously endorsed applying for a member ballot to determine whether our Division remains part of the CFMMEU or leaves to form an independent mining and energy union.

"This important decision belongs in the hands of Mining and Energy members. Other Divisions should not be trying to thwart the democratic rights of our members by throwing legal obstacles in the way.

"I anticipate that attempts at obstruction by other Divisions will only make our members more determined to be heard."

Find out the latest at MiningAndEnergyFuture.org.au

How a dragline and a bottle of water helped win housing in Moura

Unionised miners and their families have fought hard over decades to win decent housing and living conditions in central Queensland coal fields. Here's the inspiring story of one woman who took on a mining giant in 1963 armed with a bottle of water.

In the late 1950s, the world economy was booming and Japanese steel mills desperately needed coking coal – that drove major development in Queensland's Bowen Basin coal.

Coal mining in Moura was kicked off by a multinational joint venture between Australians Thiess, Americans Peabody and Japanese Mitsui.

Former General Secretary Andrew Vickers explains that the American companies driving the coal rush were staunchly anti-union, but unfortunately for them, Queensland's coal industry was strongly unionised.

"They were ticked off about that, the Japanese weren't much better and Thiess, the Australian entity, were a ruthless right-wing hard-nosed bunch of employers who'd been mining coal at Callide prior to them entering the joint venture at Moura."

Thiess refused to provide accommodation – even though Moura was a tiny town with no accommodation or facilities. They even sold the miners tents at an exorbitant price.

Conditions were horrendous. Families lived in tents that were set up outside the front gates of the mine – or for the lucky few, corrugated iron sheds. There was no running water, power or refrigeration. They used pit toilets that overflowed and became a quagmire when it rained.

At the time, 5-months pregnant Judith Martin was making a home for her 6 daughters in a lined tin shed while her husband worked at the mine.

The boss at the Joint Venture was a Peabody man. When he was approached by the Unions about providing housing for workers his response was clear – he said "we are here to mine coal, not build houses."

Says Judith: "that was his attitude, and that was his attitude when I went down to Court, too. They weren't worried about their employees because that's how they lived in America – that got up our noses – to think that's how they wanted us to live, they didn't care about families."

Unions, local, state and national, looked for the opportunity to do something to put pressure on the company. At the end of 1962, the Union sprung their trap.

Miners walk off, but not the dragline

The first walking dragline to be used in Australia was due to walk off its construction pad in Moura, with a whole host of Government and other dignitaries there to see it. The miners went on strike, and that stopped the dragline walking.

The Minister for Mines declared it was a communist plot. When the miners refused to go back to work the Coal Industry Tribunal intervened to make an inspection. That led to the 1963 arbitration.

Judith's trump card

Judith appeared as a witness at the Arbitration Court hearing in Brisbane, bearing a trump card.

It was one thing to talk about how cloudy and dirty the water was, but the Judge needed to see what they were actually drinking, so Judith took a bottle of the local water with her and presented it to Judge Gallagher.

The Judge responded that if he had to drink that water he would make sure he had a bottle of whisky handy.

The Americans were about to learn that they had indeed come to Australia to build houses. After some dragging of heels, construction of housing for mineworkers at Moura began.

Judith went on to have a happy life in what became a thriving town. Nearly all her daughters, and some of her granddaughters, continue to live and work in the town or in other Queensland mining towns.



Judith & her daughter Kim

She has not forgotten the camaraderie of the town, nor the support they were given by Union leaders such as John Currie and Cyril Vickers.

Cyril's son, Andrew, says that the 1963 strike changed worker's conditions in the Bowen Basin forever, in Moura and beyond, in places like Blackwater and then in the early 1970s to brand new mining communities in Moranbah, Dysart, Middlemount, Tieri and so on.

"Moura was the start of it. There are a number of thriving communities literally hacked out of the bush all because of the miners' victory at Moura."

Judith's parting advice for young miners is clear: **Join the union – you wouldn't have anything without the union. Fight for the people!**

LATEST PODCAST

Listen to the full story on our latest podcast



commoncause.cfmeu.org.au/podcast/



Legal team: Alex Bukarica, Robert Reed, Steven Crawshaw SC, Andrew Rich.

Legal team fights to save casual rights

The union's legal team was in the High Court in Canberra this week, to defend our landmark win for casual miners in *WorkPac v Rossato*. But whatever the outcome, the Morrison Government and One Nation have teamed up to block rights and backpay for casual miners.

Our lawyers were one of five legal teams appearing in the High Court in *WorkPac's* appeal against last year's Federal Court *Rossato* ruling.

That decision in May 2020 reaffirmed the 2018 decision in the matter of *Skene*. They found that employing coal miners in full-time, on-going roles as casuals was unlawful and those workers were eligible to claim backpaid entitlements.

The May 2020 decision sent employer groups into a lather and they ran a scare campaign, pressuring the Morrison Government to 'fix' it for them.

WorkPac appealed the *Rossato* Federal Court decision to the High Court, which is the case currently being heard now. The Federal Government has intervened in the appeal to support *WorkPac*; and is spending \$295,000 of taxpayers money to do so.

A key point in question is that of 'set off' – that is, the Federal Court ruled that *WorkPac* could not deduct any casual loading paid from entitlements owed to exploited workers.

Meanwhile, the Morrison Government delivered new laws for employers. The only part of the controversial IR Omnibus Bill to pass through Parliament were provisions around casual workers.

These new laws are directly aimed at overturning the impact of our legal wins in *Skene* and *Rossato* and they operate retrospectively. They include:

- New definition of casual – a casual is someone described as such in their employment contract, regardless of their work arrangements
- New and toothless 'right' casual conversion provision after 12 months – employers can refuse on 'reasonable business grounds'
- New law requiring courts to 'set off' any claimed

The sum total of the changes makes it very difficult to pursue backpay claims for casual miners and threatens the class actions launched to win justice for miners exploited as casuals.

BULLSHIT ALERT

One Nation sold out casual miners
Now they're blaming everyone else



The new casual laws passed through the Senate with the crucial votes of One Nation Senators Pauline Hanson and Malcolm Roberts.

National Legal Director Alex Bukarica said the legal team would continue to fight the permanent casual rort in the High Court, but the new IR laws were a major obstacle for winning justice for casual miners.

“The Morrison Government and One Nation have legislated a protection racket for employers so they don't have to compensate workers unfairly exploited as casuals for years on end.

“We will take every opportunity to keep up our fight. But the new laws are directly aimed at undoing our union's legal wins.

“Workers simply need fairer laws to stamp out this corrupt business model where mining companies can outsource good permanent jobs to casual labour hire to drive down wages.”

Members will be kept up to date with the outcome of the High Court Appeal.

Re-entry underway at Anglo's Grosvenor and Moranbah North mines

Mineworkers are back underground at Grosvenor mine a year after a shocking explosion at the longwall face badly injured five miners; and at Moranbah North mine three months after an underground fire.

The anniversary of the 6 May Grosvenor explosion was a sobering day as workers and the mining community reflected on the fallout of the terrible accident, said Queensland District President Steve Smyth.

“As one of the injured workers Wayne Sellars put it – ‘It was like standing in a blowtorch’. The five miners injured in the longwall blast still have a long road to recovery and our thoughts are with them and their families,” he said.

“I still get chills when I think about getting the news about the explosion at Grosvenor. An underground explosion is every underground miner's worst nightmare.”

Anglo began the Grosvenor re-entry two weeks before the 6 May anniversary. After a tough year, the Grosvenor workforce did a tremendous job on the re-entry, which is now complete, said Steve. The mine is now being prepared to restart production.

However, the performance and attitude of Anglo's senior leadership team left much to be desired during the re-entry process.

Union check inspectors were not given notice about the re-entry and workers were subjected to stressful interviews about their mental health ahead of returning underground.

“No-one questions the need for workers to be mental and emotionally healthy when they return underground at Grosvenor. They have been through a very traumatic experience” said Steve.

At the time of the explosion in May last year, the union vowed to leave no stone unturned in understanding and addressing the causes of the explosion.

The union advocated strongly for the Queensland Government to establish a broad-ranging inquiry that looked at issues across the industry – including employment practices. The Coal Mining Board of Inquiry is still underway.

“We don't think you can separate the circumstances around the explosion at Grosvenor from the fact that the entire production workforce were casual labour hire contractors,” said Steve Smyth.

“Time and again we see that labour hire workers don't have the confidence and security to speak up about safety.”

Injured Wayne Sellars told the Board of Inquiry that labour hire workers were treated differently to permanent workers.

“It's just the way it is. In a permanent workforce you've got more of a voice to speak up. We were punished if someone injured themselves, we'd lose our bonus on site. That breeds bad culture; it puts everyone off-side.”

The union will hold the Government to account for implementing the findings of the Board of Inquiry, just as we will keep holding Anglo to account for actions and treatment of workers.

Re-entry at Moranbah North began on 7 May, beginning the process of making the mine compliant ahead of production resuming. The mine was evacuated on 20 February due to high gas levels causing a combustion event in the goaf.

A union safety inspector was present at the re-entry and raised concerns about availability of gas data and management of flooded areas of the mine. The union will continue to be closely involved in activity at both mines.

ARE ALL POLITICIANS REALLY THE SAME?



From the General Secretary

GRAHAME KELLY

Politicians are about as popular as used car salesmen, but their commitments and actions make a big difference to working people. **When it comes to elections, it's worth finding out what you're really voting for.**

May is Budget time. Treasurer Josh Frydenberg has delivered a big-spending pandemic Budget and commentators are trying to read the tea leaves about whether it is priming voters for a federal election before the end of the year.

We are not due a federal election until 2022, but Prime Minister Scott Morrison can call an election earlier – and if he thinks he can win, he will.

For many people, politics and politicians are somewhere between boring and infuriating. They reluctantly pay attention for just long enough to decide who to vote for when elections come around – and sometimes resent having to vote at all.

But politics affects the fundamentals of our lives.

For working people, there is so much at stake in the boring-sounding decisions that get made day in and day out by politicians at all levels of government. It's the rate of your superannuation guarantee, how much tax you pay and how it's spent, whether your local school or TAFE is funded, whether your ageing mum gets well looked after in aged care.

Industrial relations laws are a major issue for our members. While some argue that 'all politicians are the same' when it comes to representing workers, there is a big difference in what the major parties have committed to on workplace laws relating to casuals and labour hire.

The Morrison Liberal National Government, with One Nation's support, introduced new laws that have stripped rights from casual coal miners and given the green light to mining companies to continue replacing permanent jobs with casual labour hire.

Federal Labor has committed to uphold our wins in the Skene and Rossato Federal Court decisions with a fair definition of casual in the Fair Work Act – and to legislate 'same job same pay' for labour hire workers. This would make an enormous difference in our battle against the 'permanent casual' labour hire rot in mining.

Our Union has an official running in the crucial Upper Hunter by-election in NSW. Jeff Drayton worked at Mt Arthur for 10 years, he talks to thousands of coal miners each year in his capacity as a union official and he understands the pressures on coal miners.

Jeff has committed to introducing legislation into NSW Parliament using every available opportunity at the state level to limit use of casual labour hire on mine site, improve worker safety and strengthen accountability for mining companies.

Coal is a major contributor to NSW's economy, but there is no coal miner in Parliament. There are very few from any blue-collar background.

Whether we go to a federal election this year or next, or if you are eligible to vote in the Upper Hunter by-election in NSW – it's the electorate with the highest proportion of coal miners in NSW by the way – I encourage everyone to look closely at what candidates are committing to. Don't just go by hearsay. If you have questions, go to candidates' forums, make contact with the candidates themselves and make sure you get your information from trusted sources.

Politics might be frustrating and sometimes boring, but your vote is precious and it really does make a difference.

Get in touch.
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