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Common Cause.



COAL MINERS TAKE ACTION TO END THE 'PERMANENT CASUAL' RORT



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HAVE YOU EMAILED YOUR MP TO END THE 'PERMANENT CASUAL RORT'?



Thousands of casual and permanent coal miners have emailed their MPs, calling on them to end casual exploitation in mining. Have you? It's urgent, it's easy and you can do it right here: www.protectcasualminers.com.au

The purpose of our Protect Casual Miners campaign is to defend our Union's important Federal Court wins against the 'permanent casual' employment model in mining. Employers are pressuring the Federal Government to overturn them.

The Government is currently consulting with unions and employers about a number of workplace issues including casualisation and its response to the WorkPac (Skene and Rossato) Federal Court decisions.

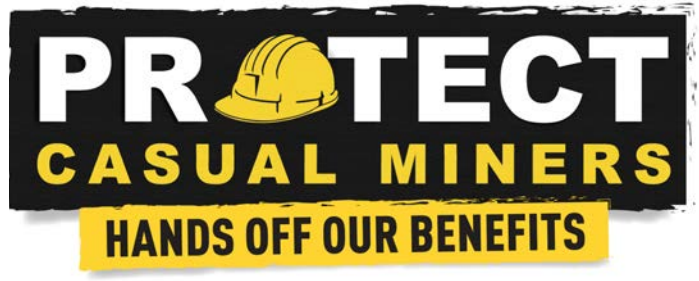
The Government has already intervened in WorkPac's High Court challenge to the Rossato decision to back employers on the issue of backpay for workers unlawfully employed as casuals.

They are using the excuse that it will cripple small business, which is not true, but the impact would be to undermine the CFMEU's class action against WorkPac and prevent future claims for compensation for labour hire coal miners.



Employers are massively overstating the impact of the decisions for casuals cross the economy because they want the government to bail them out.

We believe the Government should listen to the Federal Court's common sense ruling that coal miners working full-time on 12-month rosters aren't genuine casuals and back it in, not overturn it.




ProtectCasualMiners.com.au

Soon, IR Minister Christian Porter will put forward the Government's proposed legislative response to the WorkPac v Rossato decision.

Employers are pushing them for a definition of casual in the Fair Work Act meaning that anyone is casual if their boss calls them one. We are calling for the Government to respect the Federal Court ruling and legislate a definition of casual as intermittent and irregular – in line with common sense and community views. A proposed bill could come before Parliament as early as next month.



 Many thanks to all the Lodges getting behind this campaign – send your photos to commoncause@cfmeu.com.au.



LET'S KEEP THE EMAILS COMING AND MAKE SURE ALL MINING COMMUNITY MPS GET THE MESSAGE!

That's why we need to urgently make sure MPs hear from real coal miners, via the 'Email your MP' action at ProtectCasualMiners.com.au.

Each email also goes to IR minister Christian Porter and to state Senators – this captures cross-benchers who will play an important role in voting on new laws about casual work.

The top targeted politicians so far are Michelle Landry (Capricornia), Joel Fitzgibbon (Hunter), Ken O'Dowd (Flynn), George Christensen (Dawson) and Meryl Swanson (Paterson).



Eureka! Callide Valley flies the flag for workers' history

Barcaldine in outback Queensland is a small town with a big history. It is known as the birthplace of the Australian labour movement.

Recently, Callide Valley Lodge Vice President Adam Burling honoured this history by presenting the Australian Workers Heritage Centre in Barcaldine with a new Eureka flag.

A couple of months ago, Callide Valley Lodge Vice President Adam Burling was recently passing through Barcaldine on the way to his hometown of Longreach.

"I noticed that flag flying at the Workers Heritage Centre was old and had seen better days. The Eureka flag holds a lot of meaning and I thought it would be a worthwhile contribution for us to provide a new flag."

The Queensland District and Callide Valley Lodge agreed to purchase the new flag and cover Adam's travel to Barcaldine, where he last week presented it to Pat Purcell, stand-in Chairman of the Workers Heritage Centre and former Queensland State Labor Minister.

"It was a great honour to present the flag," said Adam.

"Patty is happy to report that Groundsman 'Squid' has scaled the ladder, and the new flag is proudly flying. Thank you for the support to all involved."



WELL DONE CALLIDE VALLEY LODGE!

UNION WIN! NEW BHP AUTOMATION ROLES TO BE COVERED BY SITE EA



The CFMEU has successfully argued that two new roles of Field Officer and Mine Controller created by BHP to manage autonomous coal trucks will be covered by the site Enterprise Agreement.

The Union's win in the Fair Work Commission means more opportunities for CFMEU members who would otherwise face being displaced as BHP introduces automated technology in coal mines.

Late last year, BHP announced that Goonyella Riverside would become the first of its coal mines to introduce autonomous haul trucks with a fleet of 86 to be rolled out – straight to implementation with no trial. Daunia followed in July with the announcement of 34 driverless trucks.

The CFMEU challenged BHP's automation plan at Goonyella Riverside on a number of grounds including their classification of the new 'Field Officer' and 'Mine Controller' roles as staff rather than EA.

While the Fair Work Commission didn't rule in the Union's favour on matters including inadequate consultation, our arguments that the two new roles should be covered the site EA were successful.

Goonyella Riverside Lodge Secretary Simon West, who gave evidence at the hearing, said mineworkers were enthusiastic about the roll out of automated technology as long as they had opportunities to access the new jobs and skills created.

Simon said BHP's claims that the new roles should be staff because of their use of technology was out of step with the changing nature of coal mineworkers' jobs, many of which already involve using remote control and computerised systems.

"There is nothing about the new roles that is more technical or skilled than much of the work carried out every day by shotfirers, Open Cut Examiners and other coal mineworkers covered by our EA.

"It's a great outcome that the current workforce will now have more opportunity to move into these roles on EA terms and conditions."

Deputy President Asbury's decision about classification of the roles was based on them being directly involved in the production of coal and meeting the Award definition of a mineworker. She found that the use of new technology did not change the fundamental nature of the roles.

Queensland District Vice President Steve Pierce said the FWC decision was a massive win that would flow beyond Goonyella Riverside as more automated technology is rolled out at BHP's coal mines.

"It stops the company taking those roles away from existing EA employees and giving them to staff," he said.

"It means that two-thirds of the roles created as part of automation will be performed by employees covered by the Enterprise Agreement and it opens up a new career path for people who would otherwise be displaced by automation."



GOONYELLA RIVERSIDE
SECRETARY, SIMON WEST

WHAT ARE THE NEW ROLES?

FIELD OFFICER

The Field Officer's role is coordination of all operational variables impacting use of Autonomous Haul Trucks (AHTs) in mining operations in the autonomous zone. The Field Officer surveys the autonomous zone to ensure that it matches the virtual mine model which governs the operation of the AHTs. The Field Officer is responsible for the prompt co-ordination of the removal of obstacles and recovery of autonomous trucks and escorting non-site aware vehicles. The Field Officer is also the first responder to autonomous stoppage events to conduct a root cause analysis of vehicles and systems and to coordinate relevant maintenance staff for rectification. The majority of the Field Officer's working day is spent in a vehicle on the mine site identifying ways to make AHTs operate to their optimum efficiency.

Deputy President Asbury said: "It is difficult to comprehend that any coal mine worker would not have the competency to operate a light vehicle and a range of other mine equipment including automated or computerised equipment. The reporting of impediments and arranging for their rectification is part and parcel of the work of an operator of a haul truck. It would be expected that a haul truck operator would report matters such as erosion or damage to a corner on a haul road or to a bund or effects of inclement weather so that adjustments could be made to the operation of trucks and repairs or maintenance can be performed. The fact that this is done by a Field Officer using technology does not alter the fact that the Field Officer is undertaking work at a place where black coal is mined, that is integral to the production of coal and which has always been performed."

CONTROLLER

The Controller's responsibility is effective operation of the technology and systems that monitor and control AHTs and safely executing the daily mine plan. The Controller does not establish the mine plan. Controllers work in a control room and are part of the 'Mine Control Team'. The Controller role has similarities to the role of Despatch Operator which was a common role on BHP mine sites before the role was located offsite in Brisbane. There are also similarities between a Controller and the Coal Room Operator in Coal Handling and Preparation Plants (CHPP) in that these employees control the operations of the CHPP remotely via a bank of computer screens.

Deputy President Asbury said: "It is clear that the role of Controller has a direct connection to the production of coal regardless of being located in a control room. The fact that there is technology interposed between the controller and the AHTs does not change the fact that the controller is an integral part of their operation. At the risk of stating the obvious, if AHTs could be operated entirely by an automated system, there would be no requirement to employ Controllers. The principal purpose for which Controllers are employed is to operate an automated haulage system in connection with the production of coal. The interposing of that system between the Controllers and the AHTs does not alter that fact."



NEW PODCAST OUT NOW!

The September episode of the CFMEU Mining and Energy podcast is out now. Listen here for news on our casuals campaign, the BHP training rort leaving workers without proper qualifications, a day out and about with our organisers in the Pilbara, and an interview with Mike Bruncker, the former coal miner running for Queensland Parliament. commoncause.cfmeu.org.au/podcast

Visit our website - www.commoncause.cfmeu.org.au

BHP & CHANDLER MCLEOD HIT WITH DISCRIMINATION CLAIM OVER VULNERABLE WORKERS

Aboriginal and older labour hire mineworkers classified as vulnerable to COVID have been stranded without pay for months after BHP excluded them from the workplace but refused to pay their wages. The Union is now fighting to recover their lost pay.

BHP announced a nation-wide policy in April that mineworkers considered vulnerable to health impacts from COVID - including people aged 65 or over and 50 for indigenous workers, or younger if they had an underlying health condition - would be provided with paid leave and directed to stay home.

Labour hire workers on BHP sites employed through labour hire firms were covered by the policy, but BHP stopped providing for their wages from July 1.

For affected workers at BHP's Mount Arthur mine in the Hunter Valley, labour hire company Chandler Macleod also refused to cover their pay or provide alternative work, leaving these workers with no pay and no ability to return to work.

Our Northern District has launched legal proceedings against labour hire company Chandler Macleod and BHP's Mount Arthur Coal on behalf of eight Members, including Aboriginal workers in their 50s, workers aged over 65 and workers with underlying health conditions.

BHP is in the process of returning the excluded employees to work, but they have been left without pay for nearly 12 weeks from July to September with both BHP and Chandler Macleod refusing to pay.

Many of the labour hire employees are casual, meaning they had no accrued holidays or entitlements to fall back on.

The Union is arguing that the actions of both BHP and Chandler Macleod contravene discrimination provisions in the Fair Work Act because the workers had been excluded from the workplace and suffered loss due to their race, age and physical disability.

Northern Mining and NSW Energy District President Peter Jordan said that a program intended to protect vulnerable workers had resulted in them losing tens of thousands of dollars in income.

"BHP's stated aim was to protect vulnerable workers from the health effects of COVID and that's a worthwhile aim," said Mr Jordan.



But it has exposed BHP's disgraceful practice of employing at least half its workforce through insecure and casualised labour hire arrangements, resulting in serious financial loss for these workers.

"THESE WORKERS HAVE BEEN PERFORMING THE SAME WORK AS DIRECT BHP EMPLOYEES AT MT ARTHUR AND BHP COULD AND SHOULD HAVE CONTINUED TO COVER THEIR PAY AS IT HAS DONE FOR ITS DIRECT WORKFORCE.

"INSTEAD, THEY HAVE BEEN DROPPED LIKE A HOT POTATO, WITH NEITHER THE MINE OPERATOR NOR THE LABOUR HIRE EMPLOYER TAKING ANY RESPONSIBILITY FOR THEIR SITUATION.

"BHP SHOULD BE ASHAMED OF ITS TREATMENT OF THESE INDIGENOUS AND OLDER WORKERS IT CLAIMS TO BE PROTECTING.

"IT IS DISCRIMINATION AND WE WILL BE FIGHTING TO RECOVER THEIR LOST WAGES."

Labour hire workers at BHP coal mines in Queensland have also been affected by BHP discontinuing payments from July 1 and members have been represented by our Queensland District.



**NORTHERN DISTRICT
PRESIDENT, PETER JORDAN**

MIKE BRUNKER: 'WE NEED A COMMUNITY VIEW IN PARLIAMENT'



Listen to an interview with Mike in the September episode of the CFMEU Mining and Energy podcast.

"Being a member of the Union, I ran for Council to make sure we stopped that. I was successful and then my mine closed in 1997. People said to me, 'well, you know you did such a good job, why don't you run for Mayor? So I did."

"Twenty-two years later now I'm still on Council and I had 15 years as the mayor of Bowen and the Whitsundays."

Mike says mining towns are now suffering the 'double whammy' of 12-hour shifts, meaning there are fewer residents as workers drive in and fly in to work, and casualisation robbing people of job security.

"Casualisation is just absolutely ridiculous. Someone in a coal mine can be doing the same job on the same roster 12 months in advance but getting paid less."

"Basically casualisation is to get around the Union. If you're a casual employee and you open your mouth about safety or conditions, you don't get on the bus the next day."

"You are told you're not needed today and back into town you go and it's that blatant and that simple."

Mike has thrown his support behind our Protect Casual Miners campaign which targets federal politicians.

"The Union's done a great job and they've had a win and now the Federal Government's going to come in and try and stop that because they see the ramifications. It's a hard industry and these guys deserve equal pay for equal work."

He says the Labor party includes diverse views but having people inside the tent arguing for mining regions is critical.

"It's like Fred Brophy's boxing tent. You can pay your money and get in the tent and shout and scream and nothing happens. Or you can get inside the ring and punch on. And for me, it's getting inside the ring and punching and making sure that we get our fair share."

Some of Queensland's biggest coal mines are in the electorate of Burdekin that Mike Bruncker is seeking to represent in Queensland's Parliament. He wants the workers in those coal mines to have a strong voice in Brisbane.

Mike was born and bred in the Bowen Basin town of Collinsville and went straight from school to an apprenticeship then work as a diesel fitter in the mines.

His political career started when there was a proposal to shut the council depot at Collinsville.

We need a working class view and we need a mining community view.

"I've got some of the biggest mines in the Bowen Basin and three quarters of the GDP of Queensland comes out of this seat."

"The mining industry is carrying the nation at the moment. All of these job payments and all of these things being spent at the moment come from royalties from the mining industry. "I'm there to protect workers."

The Queensland District has thrown its weight behind Mike's campaign for the seat of Burdekin, while considering support for other candidates in the 31 October state election on a seat by seat basis.

In Toowoomba North, CFMEU members are campaigning against Labor over the Government's failure to approve New Acland Stage 3.

"We will be taking to candidates about their views and commitments regarding mine safety, automation, support for mining and energy industries, training, investment in mining communities, workers' rights and permanent jobs," said Steve.

"But we are 100% confident that coal miners will be well represented by Mike, he has always been a fierce advocate for jobs and rights."





Your guide to the bulls**t about casualisation in mining

Pressure from our campaign has forced a number of LNP politicians out of the woodwork on casualisation in mining. Unfortunately their arguments don't hold water.

Senator Matt Canavan

"I, and the LNP, support permanent work rights. The LNP introduced legislation last year called the Fair Work Amendment (Right to Request Casual Conversion) Bill 2019... This right is intended to ensure that all employees in the national system will have access to a right to request casual conversion."

- Letter to Queensland District

Dawson MP George Christensen

"The court case you may have heard about will do nothing to ensure casual miners get permanent work. Instead, it's all about pay. While there's been one court decision, the matter is now before the High Court, not the government. It is the High Court who will have the final say on the pay issue."

- Letter to 'Protect Casual Miners' campaign supporters

Capricornia MP Michelle Landry

"They've received the extra money for not getting holiday and sick pay and I don't believe they should be backpaid then on a permanent rate" - TV interview about the Protect Casual Miners Campaign



The Morrison Government has intervened in the case to back them up, on the issue of backpay for affected workers. LNP politicians say this is nothing to do with permanent jobs for coal miners but about protecting small business from 'double-dipping' claims. *Wrong.*

This High Court challenge has everything to do with permanent jobs for coal miners and compensating them when they have been unlawfully employed as casuals. By intervening on the employers' behalf, the Morrison Government is backing the 'permanent casual' rort in mining and showing that they don't believe that casual coal miners have made genuine claims about their unlawful treatment - even though the Federal Court has twice ruled 'permanent casual' employment unlawful.

Claiming unpaid entitlements is 'double dipping'

It's common knowledge in the coal industry that casuals are paid less, not more than permanents. The Federal Court found that WorkPac employees Paul Skene and Robert Rossato were not genuine casuals and their pay rates did not cover entitlements like paid leave. Employers claim they will face billions of dollars in backpay claims as a result of the WorkPac Federal Court decisions. This is a gross exaggeration as workers in other industries who are genuine casuals and receive their lawful casual loading won't be affected. Compensation for coal miners unlawfully employed as casuals is justice, not double-dipping.

What should they do?

We want politicians to commit to a definition of casual in the Fair Work Act that is irregular, intermittent and without firm, advance commitment in line with the Federal Court judgment, common sense and community standards. If the Government introduces a definition of casual that is just if the boss calls you one, they will be legalising the 'permanent casual' rort in mining to continue indefinitely. The next step then is the complete removal of permanent mineworkers, unless you're the boss.

QUICK GUIDE TO THEIR BULLSH**T

The 'right to request' conversion

LNP MPs claim they have tried to fix the casual rort by proposing legislation to give full-time coal miners the right to request permanent conversion after 12 months and will have another go.

Not good enough.

A Bill was introduced last year but lapsed ahead of the Federal election. The right to request conversion is not an adequate solution and we don't support it. For a start, the boss can refuse when it's only the right to 'request'. And mining companies should not be employing permanents as casuals at all. The Federal Court has said it's unlawful. Mineworkers in full-time, ongoing roles should be employed as permanents on site EAs.

Workpac High Court challenge

WorkPac has gone to the High Court to reverse the Federal Court's definition of casual as intermittent and irregular and to overturn the judgment that workers who were not genuine casuals (like Paul Skene, Robert Rossato and many others) are entitled to claim unpaid entitlements.

Email your MP: ProtectCasualMiners.com.au