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WIN: Sackings not genuine redundancies

Twenty-two underground miners sacked from Peabody's Helensburgh mine were not genuine redundancies as they should have been redeployed in roles being performed by contractors, the Fair Work Commission has ruled in a big win for permanent jobs.

Legal Director Adam Walkaden said that the full bench decision is significant because it is the first time the Commission has accepted union arguments that redundancies were not genuine if similar work had been outsourced to contractors.

The 22 mineworkers at Helensburgh Coal in NSW were dismissed in the middle of 2020. At the time, work was being undertaken at the site by contractors Mentser and Nexus.

Peabody unsuccessfully appealed the FWC's original decision, which had found it was not reasonable to keep providing work to Mentser or Nexus while terminating the employment of direct employees.

Brendan Gornall was one of the workers who was dismissed from Helensburgh mine. Brendan had worked at Helensburgh for a total of 12 years and got a permanent job with Peabody after 4 years as a contractor.

"It was very disappointing. I was very surprised that it happened, and everyone around me found it to be very surprising as well," said Brendan.

"Getting a permanent job is hard, so when you lose it, that's even more disappointing.

"It's great to prove that what was done to us was done unfairly.

"We should have kept our jobs at the end of the day, so it's great that the decision came in our favour in the appeal."



Brendan Gornall, former worker at Helensburgh mine

The case will now go back to the original Commissioner who will determine whether the workers should be compensated or rehired.

"Mine operators shouldn't be making permanent employees redundant when there is no shortage of work being performed by contractors," said Adam Walkaden.

"At Helensburgh, as at many coal mines, the outsourced work was not specialist in nature. While the circumstances of each case are unique, this win against Peabody helps establish the principle that every effort must be made to redeploy workers before sacking them. It's a win for permanent jobs."

BHP miners prepare for industrial campaign on job security

BHP miners prepare for industrial campaign on job security

Miners covered by the biggest Enterprise Agreement in the Queensland coalfields are set to vote on taking industrial action after BHP failed to make commitments to support permanent jobs.

Our Queensland District has this week lodged an application to the Fair Work Commission for a Protected Action Ballot for workers covered by the BMA (BHP Mitsubishi Alliance) Central Enterprise Agreement, which covers Saraji, Peak Downs, Goonyella Riverside and Blackwater mines.

When negotiations stalled after 15 months of talks, the Union's bargaining team agreed to assisted negotiations with BHP in the Fair Work Commission which have taken place between June and September.

However, after three months of assisted negotiations it was agreed that not enough progress had been made and that members should get a say on taking protected industrial action to further their claims.

Queensland President Stephen Smyth said that negotiations had not reached the point of discussing wage increases as the focus was on conditions, especially relating to job security.

With a steady decline of permanent EA jobs over the last decade due to labour hire, automation, and the introduction of BHP's in-house labour hire provider Operations Services, members are determined to protect and restore permanent jobs.

"There's no question that job security is the biggest issue at BHP coal mines," said Stephen Smyth.

"Our members have seen jobs around them being cut and replaced by insecure, lower paid work. They want to protect permanent jobs by building protections into the Enterprise Agreement regarding EA job numbers, redundancy protections and career progression.

"BMA Central is the biggest agreement in the Queensland coalfields and it sets the standard for across the industry. BHP shouldn't underestimate the determination of our members to stand up for permanent jobs now and into the future."

The Protected Action Ballot Order will allow for a ballot of all members as to what sort of industrial action they are willing to take. Members will be advised when the ballot is due to begin and all members are encouraged to participate for a strong result and united campaign.



Appin miners to take fifth week of industrial action

We send our solidarity to workers at Appin Lodge, who are in their fourth week of protected industrial action and have put in their notice for a fifth week of industrial action in order to secure a better deal from South32

Members are undertaking half-shift stoppages each day they are rostered to work as part of this action.

Coal miners at Appin and across the industry have worked through many years of downturn, accepting wage freezes and minimal advancement on pay and conditions when times were tough.

Our members at Appin are negotiating a new enterprise agreement in a context of record profits for South32, high inflation and booming coal prices.

Andy Davey, District Secretary of the NSW South Western District said that members' voices were strong in continuing to take action to protect and improve their conditions.

"We had a meeting recently, where around 300 people attended.

"It raises the hair on the back of your neck to hear how passionate everyone is.

"We can really feel the solidarity from workers and there has been a massive effort from workers and the Union" he said.

Members are working through a range of issues with South32 and we send our support to members' efforts.



Rank and file meeting of workers about the EA

Coal price boom delivers CEO pay bonanza

Over the past couple of months, we have seen several Australian coal producers report exorbitant financial year profits off the back of record high coal prices. BHP recorded a net profit of AU\$44.9bn globally, with cash earnings of \$9.2bn from its Queensland coal operations and \$2.8bn from Mt Arthur in the Hunter Valley. Meanwhile, South32 made a \$3.9bn profit, and earned \$2.2bn from its Illawarra Metallurgical Coal operation. And Whitehaven, which operates exclusively in Australian coal, made a net profit of \$1.95bn. While members may be wondering when all this money might make it to their pay packets, CEOs and company executives have already been raking in generous bonuses on top of their already sky-high salaries.

BHP CEO Mike Henry's total remuneration for the financial year was \$21.3 million, with his base salary of \$2.5 million dwarfed by \$5.7 million in cash and deferred shares and a \$12.6 million long term incentive bonus.

These figures have him raking in 123 times the money earned by the median BHP employee worldwide.

Yet, BHP's own financial report concedes that some \$7.6bn of its \$8bn increase in underlying earnings can be attributed to factors out of BHP's control, primarily very high commodity prices.

Executives were also rewarded handsomely at South32. CEO Graham Kerr took home total realised pay of \$4.3 million after scoring a bonus of \$2.43 million. Chief Operating Officer for Australia, Jason Economidis' bonus of \$964,000 took his total earnings to just shy of \$2 million. And, for the 2023 financial year, both are set to enjoy a 5 per cent increase in their base salary.

At Whitehaven Coal, where elevated coal prices carried the company to a 1396% increase in cash earnings, CEO Paul Flynn's \$1.87 million cash and deferred equity bonus assisted his total remuneration package to reach \$4.5 million. He is also set to receive a 21 per cent increase in his base salary for the 2023 financial year.

With the record coal prices and profits we have witnessed this year, we can expect to see even more exorbitant bonuses for executives as internationally headquartered companies head closer towards the conclusion of their respective financial years.

*NOTE: BHP reports its profits and executive remuneration in US dollars. South32 reports its profits in US dollars. For this article, these figures have been converted to Australian dollars based on the exchange rate at 30 June 2022.



Hope for jobs as New Acland closer to re-opening

The Queensland Government has finally approved the lease for Stage 3 of the New Acland mine, raising hopes local workers will be re-employed at the mothballed mine west of Brisbane.

Queensland Resources Minister Scott Stewart approved the expansion in late August and New Hope Group is seeking expressions of interest for hundreds of roles while they wait for the final hurdle of a water license to be cleared.

Our Union will be pushing for all New Acland miners who lost their jobs when the mine went into care and maintenance last year to be re-employed. Mining at New Acland stopped on 26 November 2021.

Michael Hartin, a long-term New Acland coal miner and MEU Lodge Official, was one of the last people made redundant after mining closed at New Acland.

He, along with many New Acland miners, has found work elsewhere in the booming Queensland coal industry, but ended up having to work FIFO or DIDO, when previously they were able to commute to New Acland directly from home.

“As soon as the water license is granted we’ll be seeking talks with the company and once the mine is back up and running we are looking forward to rebuilding our Lodge at New Acland.”

Mastermyne should be charged over Crinum death

Our Queensland District has formally requested the Work Health and Safety Prosecutor pursue a prosecution against labour hire company Mastermyne over the death of coal miner Graham Dawson in September last year.

Graham Dawson was an experienced 60-year-old underground miner who was killed after the roof of the Crinum Mine collapsed and crushed him on 14 September last year. It took four days for Graham's body to be recovered.

Inquiries by the Union's Industry Safety and Health Representative indicate that Mastermyne's strata control systems were not adequate in preventing the strata failure that killed Mr Dawson.

Mastermyne manages the whole production workforce at Crinum underground mine.

The Office of the Work Health and Safety Prosecutor has not yet announced any charges over Mr Dawson's death.

Queensland District President Stephen Smyth said Graham's family deserves justice and all coal miners deserve to know that people in charge will be held accountable for their safety at work.

"On too many occasions of fatalities and serious injuries, no charges have been laid or charges have been laid and then withdrawn – with no explanation to mining communities about why this has happened," he said.

"People feel that the lives of coal miners are not valued."

Mastermyne recorded a second workplace fatality less than seven months later when Gavin Feltwell was killed at Anglo American's Moranbah North Mine.

Mastermyne conducted a safety review finding that there were no major flaws in its operations. Stephen Smyth said despite these findings it has been revealed that the mine's principal hazard management plan failed to identify preventative controls for hazards and the scope of their hazard management plan was inadequate.

"The company was grossly neglectful. Not only by not having an adequate plan to keep workers safe, but also by not acting on recommendations to improve safety for workers, until it was too late.

"We are pursuing a prosecution because Queensland coal communities deserve explanations as to why these agencies decide against seeking justice for the families and workmates who are left to pick up the pieces after these devastating incidents."



'Had enough of the carnage': Union pushes for mine death prosecution

Memorials commemorate lives lost to coal mining

Memorial days have been held in NSW and Queensland to remember and honour lives lost to mining.

Our Northern Mining & NSW Energy District's 25th Memorial Service for lives lost in mining was held on 11 September 2022 at the newly restored Jim Comerford Memorial Wall.

As always, it was a very moving occasion. The family of Nigel Walker, who was killed last year on his way home from night shift at Liddell Open Cut, were presented with a miners' lamp to honour his memory.

Paterson MP Meryl Swanson stepped in as keynote speaker for Resources Minister Madeleine King, who was unable to attend due to duties associated with the passing of Queen Elizabeth. Speaking on the Minister's behalf, she noted the importance of Australia's resources industry to our communities and economy and reflected on the need to continuously improve worker safety.

Queensland's annual Memorial Day Service was held on 19 September at the Redbank Miners Memorial near Ipswich. The event is held on the anniversary of the Mount Mulligan underground explosion in 1921, which killed 75 miners and devastated the town.

Queensland District President Stephen Smyth addressed the service, saying the union would continue to fight for justice coal miners lost at work.



Union officials, community leaders and the local community came together for all the memorial events



New application for a member ballot to withdraw from CFMMEU

General President, Tony Maher



On 15 September 2022, our Union lodged a new application with the Fair Work Commission for a ballot of members to withdraw from the Construction Forestry Maritime Mining and Energy Union and form a standalone union.

On the same day, the Manufacturing Division also lodged an application for a member ballot to withdraw from the CFMMEU.

As you know, our previous application lodged in March 2021 was dismissed on technical grounds.

However, legal setbacks have not dimmed our Union's determination to give members a vote over our future. Our Central Council has again reaffirmed its unanimous support for pursuing a ballot to give members a voice.

The new application was supported by a petition of nearly 3,000 members from across all district branches and we thank all members for their support.

You deserve a vote on our Union's future, and we are hopeful that our new application means that you will get the opportunity soon and without further legal interference.

Mining and energy industries face significant challenges ahead. Workers in these industries need a Union that understands them, understands their industries and is willing to stand up for their jobs, working conditions and communities.

It's what we do and will continue to do.



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