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January 2024

**WE WON
SAME JOB SAME PAY!**



2023 YEAR IN REVIEW



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NEW YEAR, NEW UNION

2023 was a historic year for our union.

Last year, we gained our independence as the Mining and Energy Union. This was a great achievement reflecting the strong will of our members.

The decision to pursue withdrawal from the CFMMEU was first endorsed at our 2021 National Convention, where it garnered unanimous support from delegates.

During the process, we faced significant legal and administrative challenges, meaning members endured a two-year wait until they could have a democratic vote on the future of our Union. However, the delay did not dampen enthusiasm and a member ballot in June returned a result 98% in favour of independence.

On 1 December 2023, the Mining and Energy Union was registered with the Fair Work Commission as a standalone union, formalising our withdrawal from the CFMMEU.

An independent Mining and Energy Union builds on our proud tradition and track record, with a clear focus on meeting the current and future challenges facing workers in mines, ports, and power stations.

A great deal of work was required to navigate the complexity of withdrawing from a thirty-year amalgamation and registering a new union. Thank you to everyone who contributed to the outcome, in particular our legal team and our General Secretary Grahame Kelly whose determination and attention to detail ensured a successful withdrawal.

While we are a new union, we have a long and proud history that guides and informs us every day. We will continue to draw on our deep traditions and solidarity that have bound us together for over a century.

In addition to becoming an independent MEU, 2023 was also significant for delivering important reforms for mining and energy workers, achieved largely due to the advocacy of our union over many years.

The first is the formation of the Federal Government's Net Zero Economy Agency. While the shape of the statutory authority is still being developed, this is a critical step towards ensuring co-ordinated federal support for workers and communities as coal-fired power stations move towards closure. As we have long said, energy workers and communities should not have to bear the brunt of the nation's efforts to decarbonise.

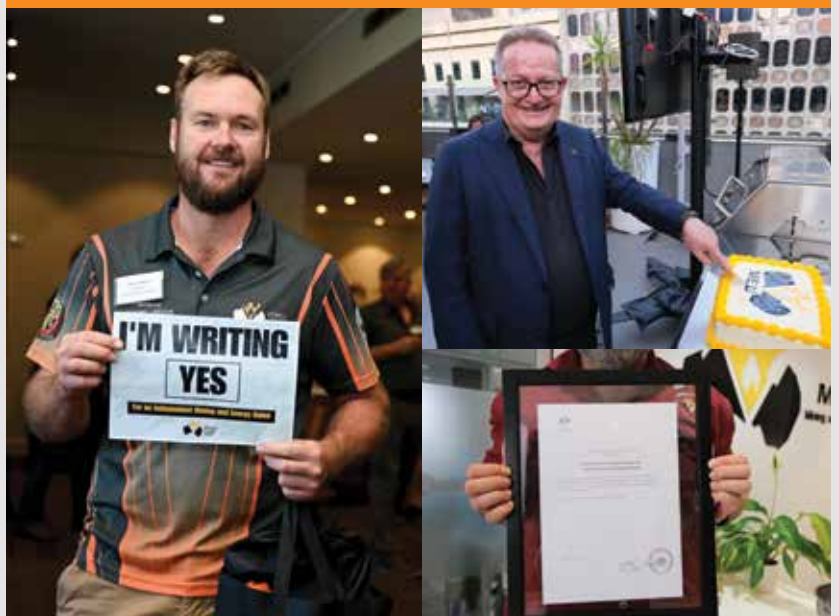
And of course, 2023 finished on a high with the passage of the Closing Loopholes Bill, providing for Same Job Same Pay for labour hire workers.

I hope you will enjoy reading about these wins, among other activities of our great union during 2023.

Tony Maher
General President



General Secretary Grahame Kelly and General President Tony Maher receiving the certificate of registration



BUILDING ON OUR SAME JOB SAME PAY WIN

On the final sitting day of 2023, laws providing for Same Job Same Pay for labour hire workers passed through the Federal Parliament.

As many members would know, our Union has committed substantial resources – well into the millions of dollars – to fight the labour hire rort through the courts and campaign for legislative change.

While we can never match the deep pockets of the mining companies, we have invested heavily in changing the law because the sharp decline in permanent jobs has been the most pressing industrial issue affecting our members.

We believed that the Senate debate about the new laws would stretch into the new year, so passage of Same Job Same Pay laws before Christmas came as a fantastic surprise and relief.

Cross-bench Senators Jacqui Lambie and David Pocock agreed to support an amended version of the Closing Loopholes Bill, including the 'labour hire loopholes' amendments to the Fair Work Act designed to prevent employers using labour hire to undercut bargained pay rates.

We are sure it's no coincidence that the cross-bench Senators heard personal stories about the labour hire rort from a delegation of MEU members the day before!

The new laws were developed by the Albanese Labor Government in consultation with unions and were fiercely contested by employer groups, Peter Dutton's Liberal National Party and Pauline Hanson's One Nation.

The new laws mean that our Union can apply for 'Same Job Same Pay' orders at a site where labour hire workers are paid less than EA workers for the same work. The Fair Work Commission will then make a determination about setting a protected rate of pay (a PROP).

We finally have a pathway to wage justice for labour hire workers, many of whom work alongside and perform the same work as permanent workers for 30 to 40% less pay. This has been achieved with no help from the likes of Senator Malcolm Roberts or Senator Matt Canavan. Both like to say they are fighting for labour hire workers when in fact, they are not. Instead, they always try to deliver for their mates in big business.

Mining companies have been complaining loudly about the cost of the new laws; while they are prone to exaggeration it is certainly our intention to use the new legislation to bring wages up to industry standards achieved through genuine enterprise bargaining. There will be a cost for some mining companies, which they can well afford to pay.

Our priority now is to ensure that labour hire workers join the Union, so they can benefit from Same Job Same Pay.

MEU members have committed substantial resources to change the law; we will prioritise making Same Job Same Pay applications where the most MEU members will benefit. If you have labour hire mates who haven't joined the Union yet, let them know that now is the time.

As well as increasing the chance of a Same Job Same Pay application at their workplace, greater union density among labour hire workers – like any group of workers – is the key to improving their collective position.

During 2023 we had many wins on behalf of our labour hire members, from improved pay offers through bargaining to reinstatements and compensation for labour hire workers sacked over raising safety concerns.

Employers like to make workers feel insecure, but labour hire workers are such a substantial part of the mining industry now that if they stand together through the Union they have significant bargaining power.

Let's build on our wins in 2023 to grow our great Union in 2024.



Grahame Kelly General Secretary



RAISING THE BAR ON SAFETY

In 2024, I was proud to be elected to a national role as General Vice President. It was the honour of my life to serve as Queensland District President for 14 years, but I'm now looking forward to bringing my passion for workplace safety to the MEU nationally.

I began my working life as an underground coal miner in Collinsville. I'm a qualified safety inspector and was elected as an Industry Health and Safety Representative (check inspector) in Queensland before being elected as District President.

Safety has always been the most important priority for me and for our union. We never forget the tragedies and disasters of the past and we dedicate ourselves every day to improving safety conditions for the current and next generations of mining and energy workers.

A constant of our industries is that companies will always put profit and the drive for production first, if we let them. It is our union shining a light on safety practices and demanding change that has led to most of the significant safety reforms in our industry.

Since joining the National Office team in Sydney in September, I have had the opportunity to travel and visit mine sites and talk with members and delegates around the country, learning about the different issues we face in different Districts.

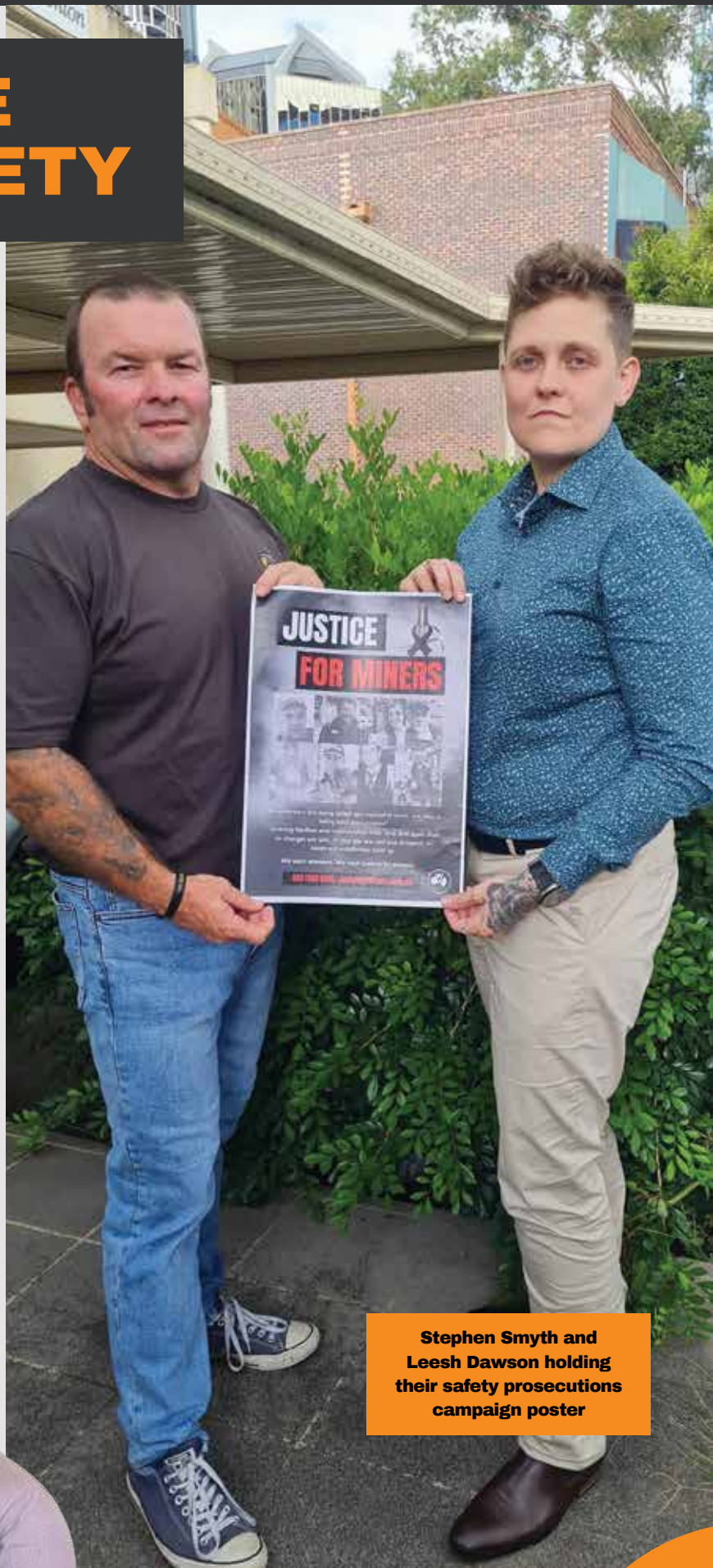
In some places, I've been impressed at the innovation and activities to support workers' health and safety on site; in others I've been shocked at the lack of safety standards, understanding and enforcement.

My priority is to drive safety improvements in our industries nationally. We must identify the best practices available and raise everyone to that standard – whether you work in an underground mine in Tasmania, a power station in Victoria, an open cut in NSW, an iron ore train in the Pilbara or a coal port in Queensland – you have a right to be safe at work.

A few of the issues I will be focusing on in 2024 include supporting our District and site check inspectors; sharing the experience we've gained in Queensland fighting mine dust disease; building our capacity to address bullying, harassment and psycho-social injuries and empowering our delegates to stand up and speak out.

When it comes to safety we need to stand up in the workplace, advocate for stronger laws and hold the regulators to account. I'm looking forward to engaging with as many members as possible around the country in 2024, to share our knowledge and experience and build safer workplaces for us all.

Stephen Smyth
General Vice-President



Stephen Smyth and Leesh Dawson holding their safety prosecutions campaign poster



**Members formed
a new lodge in 2023**

CARMICHAEL WORKERS ORGANISE AND WIN

Mining and Energy Union members at Bravus Carmichael have drastically increased their density and formed their own lodge in just two years.

The formation of a lodge at Carmichael was the culmination of an ongoing organising effort, taking the density from just 3 members at the beginning of 2021 to over 400 at the end of last year.

The formation of the lodge follows a successful bargaining campaign which brought one of Australia's newest coal mines an industry leading Enterprise Agreement.

Workers went from being some of the lowest paid workers on individual contracts to having some of the best pay and conditions in the Queensland coal fields.

In what is the first collective agreement at the site, workers secured:

- 13% pay increase over three years including 6% in the first year
- \$18,000 retention bonus over three years
- Guaranteed free flights and accommodation locked into the EA
- 78 weeks accident pay
- Pandemic leave

- Outlined salaries including double time for non-rostered overtime and triple time for Christmas and Boxing Day.

They also improved their conditions in a range of other areas including payout of personal leave, disputes and representation, training and development, and natural disasters.

District Vice President Shane Bruncker said that many workers at Carmichael had been labour hire workers or contractors for many years. He said that many workers were ex BHP OS or from Workpac and were motivated to organise their workplace to win better pay and conditions through a collective Agreement.

Representatives from the Mining and Energy Union started attending the work site from January 2021 and began organising the workforce. After months of conversations, a strong delegate network was established.

In 2022, the Union put out a petition regarding a future Agreement not having arbitration and representation clauses. The petition received overwhelming support and was signed by around 380 workers at a work site with around 400 workers.

"We started off with about three members at the work site a couple of years ago, and now

we have coverage of the workforce of around 400 members.

"Winning the Agreement also wasn't the end of it, we have now been able to run disputes on things like backpay for higher duties, WorkCover, and assisting members who haven't been remunerated properly.

"Workers have been commenting about how successful and effective the Union has been on site, and we have seen that reflected in membership.

"Workers were willing to take a stand and now they have gone from being paid below Award level rates to enjoying some of the best pay and conditions in Queensland, in some classifications."

This win demonstrates how powerful workers can be when they remain united and strong.

"We kept up the fight to win an industry leading Enterprise Agreement. Even before we won the Agreement, Carmichael delivered three pay rises to try to placate workers because they were feeling the pressure.

"Many workers got involved and we had delegates from across the pit with us. We stood together and we got a great win."

PASSED

FAIR LONG SERVICE LEAVE FOR CASUAL COAL MINERS PASSES PARLIAMENT

The Senate passed another tranche of the Albanese Government's changes to the Fair Work Act in July, which included changes to the Coal Long Service Leave Scheme to count casual coal miners' hours fairly.

While coal miners have a very good long service leave scheme, we know that coal miners work compressed rosters, which has led to some casual miners being denied their full entitlements.

The Protecting Worker Entitlements Act fixed an unfair provision in the Coal Long Service Leave Act meaning that long service leave entitlements – whether in time off or accrued entitlements on retirement – will reflect their actual hours worked.

Mining companies' aggressive push to casualise the workforce has undermined rights and entitlements for coal mineworkers across the industry.

That is why the Mining and Energy Union made the case for addressing this inequity in our submission to the 2021 review into the Coal Long Service Leave Scheme.

We welcomed the passage of these laws through Parliament. The changes to Coal Long Service Leave will positively impact thousands of workers and reflect the nature of today's industry.

MEMBERSHIP GROWTH = PAY WIN

A jump in union membership from 60 to 90% of workers at a northern NSW mine has led to a substantially improved pay deal, showing the importance of union density to bargaining power.

In July last year, workers at Whitehaven's Maules Creek open cut mine in northern NSW voted up a new Enterprise Agreement that saw their base pay increase from \$130,000 to \$150,000 plus increased guaranteed bonus and improved conditions.

The new agreement closed a longstanding gap between the Gunnedah Basin mine and industry standards in the Hunter Valley coalfields.

Other provisions in the new EA included:

- \$30,000 bonus with 60% of the amount guaranteed
- Bonus amount compounding annually with % increases
- Personal leave now paid as if worked, as opposed to base classification for shift length
- KPIs locked into the Agreement.

These gains were possible due to increasing activism on site which saw union density grow from 60% to 90% in around one year.

Maules Creek Lodge President Shane Hayman said he couldn't believe the difference in last years' Enterprise Agreement negotiations compared to the previous round.

"The previous EA negotiations were really tough," said Shane.

"The company wouldn't budge. This time, management knew that we had 90% density and saw examples every day of members standing up for themselves. We won a substantially improved deal because we were much stronger going into bargaining."

Northern District Vice President Jeremy McWilliams said that Maules Creek near Narrabri in the Gunnedah Basin had previously been a tough mine to organise for several reasons including high turnover, high contractor numbers and geographical spread of the workforce.

However, in a little over 12 months, union density at the site had grown. He credited a tailored organising strategy based on workplace activism established through activist networks and training led by NSW Lead Organiser Bob Calov; along with a strong, committed lodge executive.

"Why should coal miners at Maules Creek be paid less than coal miners in the Hunter Valley? A look at Whitehaven's profits shows they are earning plenty of money for the business."

In the second half of 2022, Whitehaven recorded an extraordinary margin of \$414 per tonne of coal sold. This helped them to a post-tax profit of \$1.8 billion – in the space of just six months.

Pay and conditions for workers at Maules Creek were previously substantially behind. The new improved Agreement means Maules Creek workers are now in line with industry standards across the Hunter Valley.

Union density makes a difference!



Maules Creek Lodge members



DRIVERS REBUILD UNION POWER IN THE PILBARA

Train drivers at BHP's massive iron ore mining operations in the Pilbara took on the mining giant in 2023 in order to secure a comprehensive Enterprise Agreements with stronger work rights.

MEU and BHP Iron Ore have been bargaining for nearly two years for a replacement for the BHP Billiton Iron Ore Locomotive Drivers Agreement 2014. BHP initially refused to bargain for a new agreement; and had to be forced to the table by a majority support petition.

The agreement covers about 500 drivers who operate trains carrying iron ore from BHP's Pilbara mines around Newman to Port Hedland. After working through extremely tough conditions during COVID, including compulsory relocation and extended rosters for many drivers, union density grew significantly during 2022 and 2023.

In a ballot held in October, 95% of MEU rail crew at WA iron ore voted yes to a range of actions from stoppages to work bans. The strong vote reflects drivers' frustration after two years of bargaining failed to result in an offer that meets their concerns. It was a significant development for unionism in the Pilbara iron ore industry, where industrial action has not been taken for 15 years.

Newman-based Pilbara driver and MEU member Dylan Chapman took drivers' concerns directly to the top at BHP's AGM in Adelaide in November. He questioned BHP chairman Ken McKenzie and CEO Mike Henry about why they were ignoring drivers' concerns when they play such an important role in BHP's highly profitable iron ore industry and had faced enormous personal upheaval during COVID to keep the industry afloat.

"We are simply seeking guarantees around our pay and conditions including rostering, flights, accommodation consultation – and not to be at the whim of individual supervisors and inconsistent policies," Dylan told them.

The only message the BHP bigwigs take from the iron ore industry is how profitable it is, with Mike Henry bragging to shareholders about how BHP's Pilbara iron ore operation is the world's most competitive with the lowest production cost. He was less interested in answering workers' concerns about bargaining and a fair go.

Heading into 2024, bargaining for the BHP Pilbara Rail EA remains ongoing. In December, BHP put a revised and substantially improved offer up for a vote. However, with key member claims absent, the offer was again rejected by BHP Rail workers.

Drivers want action in a range of areas including guaranteed annual pay increases and consistent standards in areas including training, consultation, accommodation, application of flight assistance, dispute resolution and the process to change rosters.

Western Australian Secretary Greg Busson said the MEU bargaining teams work would continue to secure an acceptable deal with BHP.

"Drivers are simply seeking a comprehensive Enterprise Agreement to give them certainty over important conditions that affect their lives," said Greg Busson.

"Well done to our members for standing up to BHP and taking this important step towards rebuilding union power in the Pilbara.

"Our bargaining team including rail organiser Warren Johncock and BHP Pilbara Lodge executives Justin Parry and Hank Wiltschut are doing a fantastic job representing members' interests."



Dylan Chapman attends the BHP AGM



The BHP Bargaining team



STRIKE ACTION DELIVERS 'ROLLS-ROYCE' EA

MEU members at a drilling contractor in the Illawarra secured one of the best enterprise agreements in the region through boosting union density and taking strike action in September.

Members at CH4 Drilling voted up a substantially improved agreement including a 4% per annum pay rise for the next three years – double the company's previous 'best' offer. The new EA also includes set-rate bonuses, and most forms of leave paid as at work, and backpay to the outset of bargaining in January.

CH4 drilling is contracted to South32's Appin and Dendrobium mines. Members at these sites were bargaining for a new EA since January 2023. In the months of negotiations, the company moved little on their original offer: a measly 1% per annum increase, which later went up to 2%.

To the workers at CH4, this was not good enough. Given the sector's record profits, pay rises won by permanent South 32 mine workers, and cost-of-living pressures – they were determined to get a better deal.

At the outset of bargaining, MEU membership at CH4 sat at around 50%. However,

the number has steadily grown and now sits at around 95%.

"We got organised," says South West District Vice President Bob Timbs. "We kept talking to the guys and recruited more and built confidence."

This confidence led to workers deciding to pursue industrial action, with workers walking off the job in early August.

The single work stoppage resulted in CH4 and South32 realising that they were now dealing with a united workforce, and the company's previous 'best' offer was quickly and substantially improved.

"The guys finally said 'let's get into it' and we did," says Bob Timbs. "As soon as the company understood our union density they backed down."

"They gave us what we wanted on pay, bonus, leave and improved a range of clauses. The guys at CH4 have now got a Rolls-Royce Enterprise Agreement, one of the best in the District."

"Congratulations to our members. When it comes to taking on the boss and getting us a better deal, they've shown how it's done."



OPPORTUNITY TO SECURE COLLIE'S FUTURE

In 2023, the MEU collaborated with the Australian Manufacturing Workers Union to develop an innovative proposal to secure the future of West Australia's coal power region of Collie.

As the primary coal producing region in Western Australia, Collie has long been expected to bear the brunt of the state's renewable energy transition. The situation became more complex as Griffin Coal, one of only two mines supplying coal for WA's power generation, entered receivership in September 2022.

The mining, manufacturing, and energy industries account for over 50% of the town's workforce, meaning that the collapse of Griffin would have catastrophic effects for Collie as well as the WA energy reserve.

In November, the MEU and AMWU put a proposal to the Western Australian government detailing a Transition Trust that could take ownership over Griffin and Bluewaters power station. This Trust would manage the asset with community and worker-focused objectives, ensuring that Collie continued to attract investment and maintains its position as an energy hub as the economy transitions to renewable energy.

The Trust would have also instituted stricter governance over the operations of Griffin and Bluewaters. This would have guaranteed transparent and sustainable conduct in protecting the economic stability of the region while also supporting affected workers in the transition to renewable energy.

Unfortunately, as 2023 drew to a close, the state government announced a short-term plan to support operations at Griffin until 2026, but no long-term plans or structure to manage critical energy assets in Collie into the future.

Western Australian Secretary Greg Busson said the MEU would continue to fight for a long-term solution for the workers and community of Collie, while also securing the best possible employment deal for workers at Griffin Coal.

"They must not be left to pay the price for the mess these private operators have created."

NATIONAL SUPPORT FOR ENERGY WORKERS AND COMMUNITIES

A new agency announced by the Federal Government in May will be a game-changer for workers and communities affected by the energy transition.

The Mining and Energy Union has long been working towards the establishment of a national body to support workers in emissions-intensive sectors to access new employment, skills and other support as needed; and support energy regions to diversify.

MEU delegates from coal-fired power stations and domestic thermal coal mines across Australia met in Sydney in February to discuss the challenges facing their industry and the need for co-ordinated federal support for workers.

They heard from Climate Change and Energy Minister Chris Bowen, industry experts on hydrogen and carbon capture storage, and representatives from all Districts about recent industry developments.

Together, the delegates endorsed a statement calling for the urgent establishment of a federal Energy Transition Authority to fund and co-ordinate support for workers, families and communities affected by the closure of coal power stations and associated coal mines.

In March, 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.

MEU delegate and Eraring Power Station worker Scott King addressed an audience of politicians, including Energy Minister Chris Bowen, telling them 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 we don't know what we are transitioning to."

The announcement of the Net Zero Economy Agency in May was therefore extremely welcome. The Agency is headed by former Labor Minister Greg Combet, while MEU General President Tony Maher and ACTU President Michele O'Neil are on the Agency's Advisory Board.

Legislation is being developed to turn the agency into a statutory authority. Extensive consultation has been undertaken with workers, unions and community representatives in energy regions already grappling with the seismic changes caused by decarbonisation.

"Until now, co-ordinated federal support for coal-power workers and communities has been the missing piece when it comes to climate and energy policy," Tony Maher said.

"This announcement means that the future of workers in emissions-intensive facilities facing closure won't be simply left up to patchy employer programs and struggling local jobs markets. The Authority will have powers to support workers into new jobs and to facilitate investment in affected communities to create the good jobs of the future."

The Authority will have workers' backs at a time of rapid change in the energy sector, because blue collar workers should not have to bear the brunt of the nation's decarbonisation efforts when the costs could easily be shared.

"The Government has listened and taken action to make sure that workers and communities reliant on emissions-intensive industries aren't left

to bear the brunt of national efforts to address climate change," Maher said.

The Union is determined to contribute to the Authority's work in the years ahead.

Power station workers went to Canberra



POWER STATION WORKERS STAND UP FOR THEIR FUTURE

MEU members at a Queensland Government-owned power station have stood together and won better pay, conditions and certainty for the future.

MEU members at the Kogan Creek Power Station took a week of industrial action from Thursday 21 September. Following the action, CS Energy and the Queensland State Government met with bargaining reps and agreed to most claims.

Gains include the introduction of a four-day work week, increased transparency into the use of labour hire, and the inclusion of protections from the Queensland Energy Workers Charter in the agreement. The Charter guarantees that the workers at government-owned corporations who are made redundant by the national energy transition will receive ongoing employment.

The new EA also includes a 4.5% raise in addition to the indexed increase, no caps on redundancy payments, and accommodation subsidies to employees who live within 80kms of the power station.

The plant is operated by the government-owned corporation CS

Energy. The company fiercely resisted the inclusion of the Workers Charter, despite being one of the original signatories.

Signed in September 2022, the Charter was a celebrated win for workers in Queensland's energy sector. Securing some certainty for their livelihoods and communities, it is especially significant to workers at state-owned power stations like Kogan Creek whose 2035 closure date is fast approaching.

The outcome of the Kogan Creek industrial action is already having significant implications for the Queensland energy sector.

Following the dispute, the Queensland government introduced the Energy (Renewable Transformation and Jobs) Bill 2023. This would enshrine the Queensland Energy and Jobs Plan into law.

In addition to renewable energy targets, the Plan includes the Energy Workers Charter and a \$150 million fund to help protect energy workers in the transition to renewable energy.

The Bill is expected to be debated when the Queensland State Parliament resumes sitting in February.

TAKING ON BHP - AND WINNING!

BHP is Australia's biggest coal producer. We took them on in 2023 and had big wins over pay, job security, accommodation and public holiday rights.

\$430M BHP WAGE SCANDAL
REVEALED: Mining giant to compensate almost 30,000 workers



OS strike delivers pay rise

Production workers at BHP's Operations Services labour hire subsidiary voted up a new agreement in July, after pressuring BHP to improve its offer through taking industrial action.

Queensland Senior Vice President Mitch Hughes said OS members should be proud of their achievements.

"Our OS members have organised, taken action and won significant gains which will benefit all OS employees. They now have conditions which BHP resisted for five years until workers stood together through their Union and took industrial action."

Gains include guaranteed 4% wage increases, paid flights, accident pay and greater certainty over job location.

BHP made the concessions and put the revised OS Production Agreement out for a vote after OS workers took industrial action, which began with bans and common crib times and built up to work stoppages. After the first four-hour stoppage at Goonyella Riverside, BHP reversed its long-standing refusal to offer guaranteed pay rises and offered 4% per year.

The OS Production Agreement covers workers at Blackwater, Saraji, Goonyella Riverside,

Caval Ridge, Daunia and Peak Downs mines. MEU membership within OS has grown throughout the bargaining process. "More members mean a stronger voice for workers. We will continue to back our OS members 100% and keep standing up for rights, pay, conditions and safety," said Mitch.

It is five years since the MEU first became aware that BHP had set up two fully-owned subsidiaries under the brand Operations Services, to provide labour hire workers to their mining operations on far inferior pay and conditions than permanent employees.

The MEU has been fighting this unfair employment model in the courts – successfully challenging BHP's two original OS Enterprise Agreements; in the workplace – organising workers to improve their bargaining power; and in Parliament – successfully campaigning for Same Job Same Pay laws to close the loopholes that allow companies like BHP to undermine collective agreements and pay labour hire workers less than permanent workers.

Camp residents have rights

We secured a big win for BHP workers in camp accommodation in QLD this November,

as the full bench of the Fair Work Commission upheld that BHP were not permitted to remove workers' rights in Single Person Villages under Queensland law.

The dispute originated in 2021 when BHP notified that they would cease the deduction of a weekly payment of \$60 from workers' salaries and then terminated the rooming accommodation agreements for their Moranbah Single Person Village accommodation. This agreement provided residents in the village accommodation key rights such as notice for conducting inspections, cleaning, and performing maintenance as well as other accommodation rights.

They told residents that this was not an eviction, but the MEU asserted in the Commission that BHP did not have the right to cease the deduction of \$60 per week and that by cancelling these agreements BHP was attempting to overturn the accommodation rights of workers under the Moranbah Accommodation Agreement.

The Moranbah Accommodation Agreement was won by the MEU in 2012 and has since been incorporated into subsequent BMA enterprise agreements. The agreement requires that BHP deduct a subsidised rate



BHP OS Production workers walked off the job

BHP ACCOMMODATION RIGHTS PROTECTED



of \$60 a week from the employee's salary in exchange for accommodation. This fee guaranteed the employee numerous rights under Queensland's Residential Tenancies and Rooming Accommodation Act.

BHP attempted to argue that the fee was solely for their own benefit, and they had the discretion to cease collecting it whenever they saw fit.

However, in a strongly worded judgment, the Commission found that BHP was seeking to avoid their obligations as the provider of accommodation and the legal rights of employees living in the SPV as residents.

The win protects standards and rights whilst in camp accommodation for workers covered by the Moranbah Accommodation Agreement.

Public holiday win

A major legal win by our union against BHP means bosses need to give workers a choice over working public holidays.

The MEU 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 in March 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.

BHP failed to win leave to appeal the decision to the High Court.

Labour hire workers unlawfully sacked over safety

BHP has been ordered to pay fines and compensation over unlawful treatment of two labour hire workers forced off its mine sites after raising safety concerns.

The Federal Court has in separate judgments ordered BHP to pay a total of \$120,000 in penalties for contravening s340 of the Fair Work Act, which prevents adverse action being taken against employees exercising workplace rights.

The BHP Mitsubishi Alliance, which operates Queensland coal mines, was further ordered to compensate MEU members Kim Star and Daryl Meikle.

Ms Star was employed as a coal mineworker by Workpac at BHP's Goonyella Riverside Mine and Mr Meikle was employed as a coal mineworker by Workpac at BHP's Daunia Mine. In matters run by the MEU, both were found to have been unlawfully excluded from BHP sites after raising concerns about mine safety in 2017 and 2019 respectively.

Ms Star will receive \$15,000 general damages compensation while Mr Meikle will receive \$5,000 as general damages and the equivalent of six months' pay.

MEU Queensland District President Mitch Hughes welcomed the orders and the resolution of the two long-running matters.

"These members have waited many years for justice and for BHP to be held to account. While the monetary amounts are small change for BHP, the legal black mark against them is an important victory for workers.

"The courts have found beyond doubt that BHP unlawfully excluded labour hire workers from their mine sites for exercising their rights.

"We often say that insecure work is bad for safety and here we have it in black and white. I thank Daryl Meikle and Kim Star for having the fortitude to stand up to the biggest player in the Queensland coal industry to defend the rights of labour hire workers.

"We believe these findings and fines against BHP will be a deterrent to treating labour hire workers as disposable. With Same Job Same Pay passing Federal Parliament at the end of 2023, we can go forward knowing the tide is finally turning in favour of labour hire rights."

430 million reasons to belong



Our landmark win over public holidays led to BHP admitting they had underpaid mineworkers around Australia \$430 million since 2010 due to wrongly deducting leave on public holidays.

This revelation would not have come to light if it wasn't for the March Federal Court decision clarifying employee rights around public holidays under the National Employment Standards.

BHP has admitted that since the National Employment Standards were introduced in 2010, almost 30,000 workers have been affected by having annual and/or sick leave incorrectly deducted. BHP say they owed each affected worker an average of six days' leave due to incorrect poor payroll practices.

Despite admitting to the underpayment in June 2023, BHP has been slow to fix their error and pay workers what they are owed.

INSIDE THE CAMPAIGN TO

Fighting the exploitative labour hire employment model has been a priority for our Union for years.

2023 was a milestone year with the passage of the Closing Loopholes Bill through Parliament, just before Christmas.

These new laws mean we can apply for Same Job Same Pay at worksites where companies are using labour hire to undercut wages in site Enterprise Agreements.

They are the culmination of years of advocacy and campaigning by our Union, against millions spent by big mining companies. Here are some of our activities through 2023 – and some detail on what we achieved.

Hunter Valley mineworkers with Senator Jacqui Lambie



"I'm in Canberra to make politicians aware of how our big mining companies have used loopholes to create a cheaper workforce they treat as second-class citizens."

Brodie Allen, Central Queensland

"Contractors do the same work as permanent workers, but they are paid much less, and they miss out on the entitlements available under our Enterprise Agreement."

Rebecca McDonald, Hunter Valley

"On my mine site, there are multiple labour hire companies providing workers. We all get paid less than permanents employed directly by the mine, but we also get paid differently to each other."

Mark Bryant, NSW South Coast

"I've been working here over nine years and I've been labour hire for the whole time. In the past, everyone in mining was employed direct by the mine operator."

Rob Moran, NSW South Coast



ALP National Conference



Mineworkers provide evidence to the Senate

Adam, Clare and Ben visit crossbench Senators



WIN SAME JOB SAME PAY



CLOSING LOOPHOLES ON THE CAMPAIGN TRAIL

In May, we launched press, television and digital media ads to back Same Job Same Pay laws for labour hire workers and challenge mining company scare campaigns at Parliament House.

A delegation of MEU members – Rebecca McDonald from the Hunter Valley, Brodie Allen from Queensland and Rob Moran and Mark Bryant from the Illawarra – travelled to Canberra to talk to MPs about the damage caused by widespread replacement of permanent mining jobs with insecure, lower-paid labour hire jobs.

We then rolled out our campaign with regional launches for members and media.

In June, mineworkers gathered in Cessnock. Delegates spoke to media about how Same Job Same Pay would affect them and how important it was for the Hunter Valley economy.

In July, we continued the roadshow up in sunny Queensland where MEU Delegates gathered and addressed media in Rockhampton.

Same Job Same Pay will be especially important for workers across the Central Queensland coalfields, with many employed through labour hire companies including BHP's Operations Services.

Moranbah miners Simon and Ron headed to ALP National Conference in Brisbane to talk to politicians about how Ron, who is labour hire, still doesn't have job security and despite

having decades of experience, still does not receive the other basic entitlements available to Simon, who is permanent.

Hunter MP Dan Repacholi travelled up to Moranbah in Central Queensland to cut through the BS from the Minerals Council and to talk to labour hire workers about Same Job Same Pay.

Dan said that Same Job Same Pay would help provide certainty and security to mine workers and incentivise mining companies to provide more permanent employment, contributing to the vibrancy of mining communities.

In September, Same Job Same Pay laws for labour hire workers were introduced to Federal Parliament on Monday 4 September (as part of the Closing Loopholes Bill), facing a battle to get through both houses of Parliament.

Illawarra mineworkers joined the South Coast Labour Council for a Politics in the Pub at Mt Kembla Hotel in Wollongong, for a discussion about wage theft, Same Job Same Pay and the need to get the Closing Loopholes Bill through the Senate.

In October, MEU QLD District members provided evidence to the Senate hearing into the Closing Loopholes Bill in Rockhampton.

They shared their lived experience and told Senators how the labour hire loophole impacted them and their communities.

While mining companies flooded the airwaves with their \$24 million anti-Same Job Same



Politics in the pub in the Gong



Big Dan goes to Moranbah

Pay ad campaign, we kept campaigning. In December, Hunter coal mineworkers Clare Bailey, Ben Fernie and Adam Dever travelled to Parliament House to share their stories with crossbench Senators on how closing the labour loopholes affects them and their workmates in the Hunter Valley.

They met with Senator Jacqui Lambie, Senator David Pocock and Senator Tammy Tyrrell and urged them to support Same Job Same Pay before the end of the year.

SAME JOB SAME PAY BECOMES LAW!



On 7 December 2023, the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 passed through the Senate, containing provisions that prevent companies from undercutting Enterprise Agreements to pay labour hire workers less.

How did the Bill pass?

The legislation passed after the Closing Loopholes Bill was split into two parts, with Same Job Same Pay passing at the end of last year, alongside other important measures like the criminalisation of wage theft and industrial manslaughter, and stronger rights for workplace delegates.

The legislation passed after the Albanese Government secured the support of the Jacqui Lambie Network, David Pocock, the Greens and Lydia Thorpe to pass large parts of the Closing Loopholes Bill.

The Coalition and One Nation did not support the Bill, with the Coalition declaring they are on the side of employers and One Nation arguing that there is no labour hire loophole to close.

How will the laws deliver fairer wages?

At a worksite where an Enterprise Agreement is in place covering direct employees, the new laws would allow for applications to be made to the Fair Work Commission (FWC) for an order that labour hire employees must be paid at least what they would receive under a host's EA.

There are exemptions for registered trainees and apprentices, short-term placements, small businesses and genuine service contractors.

The Fair Work Commission will then make an assessment that a Same Job Same Pay order would be fair and reasonable – including whether labour hire workers are performing the same work as EA employees – and can make an order setting a 'Protected Rate of Pay'.

The 'Protected Rate of Pay', which sets minimum pay rates in line with the relevant Enterprise Agreement on site, is how Same Job Same Pay would be delivered at a worksite.

Additionally, we are optimistic that once the financial incentive for outsourcing jobs is removed through ensuring equal wages, then mine operators will employ more workers directly.

How do we apply for a 'Protected Rate of Pay' aka Same Job Same Pay?

The MEU will apply to the Fair Work Commission for Same Job Same Pay on behalf of members.

We will make applications at eligible workplaces based on circumstances at the site and in consultation with MEU labour hire members. We will begin making applications as soon as possible in 2024.

Same Job Same Pay orders issued by the Fair Work Commission will commence operation from November 2024.

What is the difference between labour hire and service contractors?

Under the Closing Loopholes Bill, the Fair Work Commission will apply a test to determine whether workers are considered labour hire or 'service contractors'. In general, labour hire means workers supplied by a labour hire company to perform labour in roles which are supervised or managed by the host. In

contrast, the Commission will assess whether a company is a service contractor based on a number of facts, including whether a company is supplying their own supervisors and equipment for use by the workforce, and whether they perform specialist work on a site.

We expect employers to misrepresent the nature of their engagement of workers in opposing our applications, however the Fair Work Commission will ultimately determine whether a Regulated Labour Hire Arrangement Order is applicable in any circumstance.

We are confident that many workers in the mining industry can be classified as 'labour hire' and we will be encouraging labour hire workers to join the union to strengthen our applications.

What else is in the Closing Loopholes Bill?

The Bill establishes stronger rights for union delegates and criminalises wage theft. Closing Loopholes Part 2 will address a range of other matters including stronger rights for casuals and gig workers and will come before the Parliament in early 2024.

What next?

There has never been a better time to be involved and be talking to your workmates about joining to put your worksite in the best position to be prioritised for an application made by the MEU.

Thank you to everyone who has contributed or supported the campaign over the years. We will keep members up to date with next steps as we make fairer wages a reality.





VICTORIAN GOVERNMENT MUST BACK LATROBE HYDROGEN

A \$2.3 billion investment by the Japanese Government to commercialise a coal-to-hydrogen plant in Victoria could 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, but the project requires commitment from state authorities in order to deliver secure jobs in sustainable energy for communities facing economic displacement.

The HESC pilot project demonstrated in 2022 that carbon-neutral hydrogen can be economically generated from Latrobe Valley coal and transported to Japan.

Expanding and commercialising this project would help 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 has the potential to create more than 1,000 jobs in the operational phase, with about half of those jobs in the Latrobe Valley.

This project has created hope 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.

"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," Richards said.

"HESC is the most promising economic opportunity for our region, in line with our belief in a just transition that leaves no coal worker or community behind.

"It is now up to the Victorian Government to commit to the project and invest, or at least allow it to progress."

The hydrogen plant may be 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.

The Mining and Energy Union Victorian District will continue to advocate for the project throughout 2024.

STRONGER RIGHTS FOR UNION DELEGATES COMING IN 2024

In addition to Same Job Same Pay, the Closing Loopholes Amendment includes stronger rights for union delegates to represent union members in the workplace.

These changes allow delegates to take a more active role in the workplace, and protects them from adverse actions by their employer.

These changes include enhanced rights for union delegates under the Fair Work Act to:

- Reasonable communication with members in the workplace
- Reasonable access to workplace facilities
- Paid time during normal working hours to undertake training
- Civil penalties for employers obstructing the work of delegates.

The new laws state that workplace delegates' rights must be outlined in new enterprise agreements from 1 July 2024. Should those rights be less favourable than those in the Award, the rights in the Award will apply instead. Awards are currently being reviewed by the Fair Work Commission and are required to include delegates rights terms by 30 June 2024.

Delegates are entitled to reasonable communication with members, and people eligible to become members. This includes reasonable access to workplace facilities to conduct information sessions on industrial concerns.

If the employer is not a small business, then the delegate is entitled to paid time during normal working hours for the purposes of undertaking related training. This means that delegates won't have to take leave or go unpaid for training they need to better support union members.

The new law also introduces civil penalties for employers not adequately engaging with a union delegate, or for hindering or obstructing them from exercising their workplace rights. It prohibits an employer unreasonably failing or refusing to deal with a delegate, as well as making false or misleading representations to the delegates.

If an employer is found to have violated these rights for a workplace delegate, they may be ordered to pay a financial penalty. These fines currently sit at over \$18,000 for an individual and almost \$94,000 for a company.

The result of these stronger rights is delegates are better able to represent the industrial interests of their workmates and union members, and protection in exercising those rights.



STRONGER. TOGETHER.

Mine Super and TWUSUPER are merging to form Team Super - the superannuation fund for transport, energy and mining workers. We've got your back and remain committed to the mining industry and to the retirement outcomes of our members.

Stay up to date via mine.com.au/merger

Talk to us about super, pension, insurance and financial advice.

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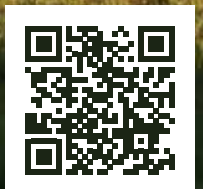
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QUEENSLAND CELEBRATES 115 YEARS

In November, our Queensland District celebrated 115 years as a coal miners' union.

The Queensland Colliery Employees Union was formed in 1908 under the harsh conditions of the Ipswich coalfields. Since then our union – now the Queensland District Branch of the Mining and Energy Union – has been the strongest advocate for the wages, safety and conditions of Queensland coal mineworkers.

To mark the anniversary, the Queensland District held a gala Awards Night in Brisbane, with members and officials from across the state coming together to celebrate the rich history of our Union.

The night saw speeches from Queensland District leaders including former and current District Presidents Andrew Vickers, Stephen Smyth and Mitch Hughes. Underpinning the event was a spirit of thanks for comrades past and present, and great hope in the new generation of emerging unionists.

Congratulations on the anniversary, Queensland. You're sure to have many more to come.



Helping industry return their workers home, healthy and safe, every day.

In 2023, Coal Services partnered with industry for a safe workplace and a healthy workforce.



Mines Rescue

Prepared **460** brigade members for emergency response and saw **24,705** attendances at training courses to manage risk and operate safely



Coal Mines Insurance

Provided workers compensation cover for more than **38,000** workers and **2,200** employers to support injured workers through their recovery and return to work



CS Health

Completed more than **23,600** pre-employment and periodic health assessments to monitor the health of the workforce and protect against occupational disease



Regulation & Compliance

Statutory respirable and inhalable dust samples taken from the breathing zones of **3,877** workers

Data as at 31 December 2023

T +61 (2) 8270 3200 E customerconnect@coalservices.com.au
www.coalservices.com.au



Coal Services

Dedicated to helping Mining & Energy members

For over 85 years, Slater and Gordon has been proudly looking after the rights of Unions, their members and families. We provide a wide range of assistance for Mining & Energy members, including expert advice on workplace claims.

For an obligation free initial appointment regarding your claim, contact your local union organiser or office for a referral to Slater and Gordon.



Meet the team : Stuart Barnett Legal Counsel / Accredited Specialist

With over 33 years' experience, Stuart is renowned as the most experienced coal mining lawyer in NSW and prides himself on helping his clients through the legal process. He'll explain your rights and take you step by step through the legal process to help you get the best outcome possible for your claim.

The firm has built upon Stuart's experience in coal mining and energy workplace claims and can offer expert advice not only in NSW but in Western Australia, Victoria and Queensland.

For NSW enquiries contact Stuart on **1800 991 394** and for WA, VIC and QLD call **1800 555 777** and identify yourself as a member of the Mining and Energy Union.

**Slater
Gordon**
Lawyers

*See slatergordon.com.au for details
slatergordon.com.au

IN THE COMMUNITY

The Mining and Energy Union has a proud tradition of our advocacy not being confined to worksites, frequently engaging with the communities which support our industry.



Well done to our great Tasmanian District for their donation to Team Woods Boxing Gym. The gym is dedicated to training local Tassie kids so they have the best opportunities to participate and succeed in boxing.

This year our members won Kickboxing titles, marched on International Women's Day, and donated funds and countless hours to the causes we hold dear.

We received delegations from our comrades in the Japanese power unions, and Indigenous Brazilians seeking compensation for the damage done to their communities in the Amazon by BHP.

We held family days, footy comps, and Christmas parties, all to give back to the vibrant communities which form the bedrock of our industry and of our Union.





BELLBIRD TRAGEDY WAS THE BIRTH OF MINES RESCUE

On 1 September 1923 a fire and explosions at Bellbird Colliery in the Hunter Valley in New South Wales caused the deaths of 21 underground coal miners.

The event was the largest mining disaster to hit the Northern coalfields of NSW.

Northern District President Robin Williams shared these remarks, delivered on 1 September 2023 at the Bellbird Centenary event at the Memorial Park near the site of the old Bellbird Colliery:

On 1 September 1923, a fire and explosions at Bellbird Colliery in the Hunter Valley in New South Wales caused the deaths of 21 underground coal miners.

The event was the largest mining disaster to hit the Northern coalfields of NSW.

That fateful Saturday afternoon was not a regular production day, but rather a back Saturday where just a small number of miners were working. The morning shift comprised of 450 men working underground, their shift finishing at 1pm.

As they left the pit the afternoon shift, made up of just twenty men, entered the number one tunnel to start their day's work. Just an hour later, all twenty would be dead from carbon monoxide poisoning caused by a series of explosions and fires in the mine.

Six pit horses, which were such an invaluable part of coal mining in those days, would also be killed.

Reports suggest that the first signs something was wrong came when smoke was noticed billowing from the ventilator in front of the colliery buildings.

The mine manager was notified, and the underground deputy was instructed to enter the mine to see what damage had been caused. When he hadn't returned thirty minutes later, the mine manager and three others entered the mine themselves to investigate.

Sadly, they found the bodies of four men, and more were to follow.

The news of an explosion, that the mine was on fire, that men may have been killed or trapped underground soon spread from the pit top into the community. Wives, some pregnant, arrived at the mine with their children and other family members, anxious to learn the fate of their loved ones.

Hundreds of miners, including many who had just finished their shift and were headed for home, returned to the mine desperate to go back underground to rescue their comrades. Police were on hand to keep the anxious miners at bay while a plan was formulated, and a system of rescue arranged.

Hour after hour, those rescue parties worked tirelessly in an effort to find the missing miners. Sadly that afternoon, the bodies of seven men had been brought to the surface, with another eight recovered later that evening.

Continuous explosions were taking place during the rescue efforts. Fifteen bodies had been recovered when John Brown, who was a mine manager from the nearby Aberdare Colliery, entered the mine for a third time attempting to rescue the remaining men. He too became a victim of yet another explosion, and the suffocating gas that came with it.

John became the twenty first fatality, and his body remained underground while the rest of his rescue party returned to the surface.

It became clear that the dangerous conditions meant it would be impossible for the six men left underground to have survived, and the risk of losing more lives attempting to recover them was too great.

The decision was reluctantly made to seal the mine in an effort to extinguish the fire raging underground.

Eight months later, in June of 1924, the bodies of two of the six men still missing were located, with another three found in December of the same year.

But it would be some 42 years later in 1965 that the last of the entombed men, George Bailey, was found and brought to the surface. His pocket-watch was stopped at 2.20pm.

Our thoughts are with those twenty-one miners that lost their lives at Bellbird over one hundred years ago, and to the many brave men that, without hesitation, walked into the darkness of that mine with only determination and courage to bring those men back to their families.

The Bellbird Disaster of 1923 brought unimaginable grief and despair to so many families from Hunter coal mining community, but it also brought about lasting and significant change to the health and safety of mineworkers which continues to this day.

Their legacy will live on for the generations to come.



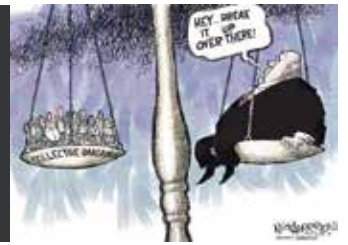
District President Robin Williams commemorates the Bellbird disaster



Some members of the NSW Mines Rescue team

QUICK GUIDE TO BARGAINING

If you haven't been involved in bargaining before, here's what it's all about.



Australian industrial relations and workplace rights is governed by the Fair Work Act. Through the National Employment Standards and relevant Modern Awards, the Act sets the baseline standards of all work.

The Act provides for employees at a workplace to band together to collectively improve the pay and conditions of these minimum standards through enterprise bargaining.

Collective bargaining by unionised mining and energy workers has delivered pay and conditions well above legal minimums – that's why some employers do everything they can to avoid genuine bargaining.

What is enterprise bargaining?

An enterprise agreement (EA) is negotiated between an employer and the workers who would be covered under that agreement.

In workplaces without a union presence, EAs typically provide pay and conditions minimally above legal Award and NES requirements.

In workplaces with a union presence, the union is automatically their members' bargaining representative, but are prevented from making EAs that only cover union members. This means that pay and conditions achieved by union members through bargaining flow to non-union members and lead to the 'free-rider' effect. High union density is the surest way to achieve strong outcomes in bargaining – so people who take raises without paying dues are letting down themselves and their workmates.

The bargaining process

Often, employers of workplaces with a union

presence will initiate bargaining upon formal request. If they refuse, it may be necessary to seek a Majority Support Determination, which compels the employer to begin bargaining if a majority of workers who would be covered support it.

Employers then issue workers with a notice of their representational rights. This explains that workers are able to appoint bargaining representatives, and that Union members will be automatically represented by Union reps. Bargaining reps will then meet with workers and discuss their priorities for conditions they hope to achieve through bargaining. The reps will use this to develop a log of claims, which they will try to achieve through bargaining.

Good faith bargaining

The Act requires the parties to bargain in good faith with one another in order to reach a satisfactory compromise. This means that both sides must genuinely consider all proposals, give reasons for their responses, and behave in a way that is consistent and fair.

This does not mean they must make concessions or agree with others about the terms of the agreement, they simply have to be transparent about their reasoning and desired outcome.

Proposed enterprise agreements

Once an employer is satisfied with the proposal, they will offer it to the affected workers to vote on. An offer requires a majority of voters to respond in favour to be approved.

Union reps encourage members to vote 'yes' or 'no', depending on whether they believe more can be achieved. If workers vote no, the em-

ployer must come back to the table to continue bargaining. The Union cannot approve EAs, they only become valid if a majority of members vote in favour and the FWC approves them.

The Fair Work Commission and BOOT

Once an agreement has been voted up, the employer submits it to the FWC to assess if it complies with a range of requirements. The FWC applies the Better-Off Overall Test, or BOOT, where the proposed agreement is compared to the Award to ensure that it is not below the standard set in the Award.

The test assesses the terms and conditions as a whole, meaning that some conditions can be below the Award and still pass the test if the benefits are made up by other conditions surpassing the Award.

Intractable Bargaining

If after nine months an agreement has not been reached, bargaining reps may seek an Intractable Bargaining Declaration from the FWC. If they find that there is no prospect of an agreement being reached, the FWC may issue the declaration.

The FWC may order a negotiation period in which it will assist the parties to try and reach a solution. If the dispute still cannot be resolved then the FWC must issue an Intractable Bargaining Determination, deciding the terms that could not be agreed on by the bargaining representatives.

This determination must include any terms that have been agreed to by the parties and replaces the EA that would have been made if the parties had reached an agreement.

PROGRAMMED WORKERS SHOW THAT LABOUR HIRE MINERS CAN FIGHT BACK TOO

Workers at the Hunter coalfields' largest labour hire provider Programmed have secured a significantly improved pay offer by voting 'no' to a substandard Enterprise Agreement and forcing the company back to the bargaining table.

Programmed workers are among many labour hire miners across the coal industry who have had enough and got organised through the Union to get a better deal.

After workers resoundingly rejected their substandard EA in September, Programmed Skilled Workforce improved its position in several key areas. This included offering a 10% raise, plus an additional 4% raise in 2024, as well as accident pay and long service leave paid as at work.

The movement on pay was welcome because Programmed mineworkers have been among the lowest paid in the District, earning about \$35,000 less per year than their direct-employment counterparts.

However, the company was still resisting providing industry standard conditions in some areas such as sick leave being paid as at work, fair calculation of flat-rate payouts or Northern District average bonus.

Therefore, the MEU bargaining team once again called on Programmed workers to vote no to seek further improvements and reiterate to the company how serious workers are about getting a fair go. Programmed workers rejected the offer a second time, with bargaining set to recommence in 2024.

Programmed has lucrative contracts at many of the Northern Districts biggest coal mines, including Hunter Valley Operations and Mt Arthur. These are huge operations which have turned over multibillion-dollar profits for their owners in the past twelve months. The multinational companies that own these operations – including BHP, Yancoal and Glencore – can easily afford to meet these standards in their contracts with labour hire companies.

The Productivity Commission recently identified mining as one of only two industries where wage increases have 'decoupled' from productivity – meaning mining company profits are far outstripping wage increases.

Overall, mining has much higher operating margins than any other Australian industry, meaning the cost of production including labour, equipment and other costs is very low compared to the profits they generate.

In other words, workers haven't been getting a fair share of the resource prices boom – especially labour hire workers.

MEU members at Programmed are just some of the labour hire mineworkers standing up for better pay and conditions. Labour hire workers do face job insecurity, but they have also become indispensable to the running of mines. Like the workers at Programmed, labour hire workers around the country are showing how they can get organised through the Union and exercise their bargaining power to get a better deal.



MINER VS MINER FIGHT NIGHT

Photos by Adam Dederer and Daniel Johnson. Reproduced with permission.

Open cut and underground miners from across the Hunter Valley gathered in Cessnock at the end of last year to battle it out in the boxing ring and raise funds to support their mates.

The inaugural Miner v Miner Fight Night raised money for injured miner Jay Stevens, as well as industry suicide prevention program Mates in Mining.

Injured in a workplace accident in 2022, Jay intends to use the funds raised through this event to start a new charity, Stand for Spinal, which he hopes will soon provide accessibility and mobility aids to people suffering from spinal cord injuries.

Organised by friends of Jay, Jodie and Ben Dederer, the Fight Night was the result of tireless work and a passion for helping mineworkers in need.



Our podcast producer Tim Brunero went along to check out the event and chat with some of the fighters.



Jay Stevens, whose workplace injury has led him to launch the charity Stand up for Spinal.

Congratulations to everyone involved - time to start training for this year's event on 23 November!

Often the most life-changing chats are the ones we don't have.

Have a FIFO/DIDO mate struggling with loneliness, relationship issues, stress or fatigue?

Help out by heading to the MATES Hub for wellbeing tips, training and support services.

MATES 24/7 Helpline 1300 642 111



fifo.mates.org.au



CONSIDERING GOING ON STRIKE?



What every MEU member should know about Protected industrial Action

- Industrial Action is when workers disrupt regular work duties to advance their position during bargaining.
- Industrial Action is 'protected' if it occurs during bargaining for an Enterprise Agreement and meets conditions set out in the Fair Work Act.
- Industrial Action must be protected to prevent significant costs and penalties against individuals and the union.
- Protected Industrial Action (PIA) can take many forms from bans on particular duties to lengthy strikes.
- PIA can be an effective way to win an improved offer if bargaining has reached a stalemate, however there are costs and risks for workers to consider.

What are the types of industrial action?

While we often think of industrial action as strikes, there are several other forms, such as:

- Performing work in a manner different to how it's normally performed.
- Adopting a practice that restricts, limits or delays the performance of work.
- A ban, limitation or restriction on performing, accepting, or offering to work.
- Employees failing or refusing to attend for work or perform any work.

What's the difference between protected and unprotected industrial action?

Protected industrial action has been previously approved by the Fair Work Commission. Getting

your industrial action protected prevents your employer from legally taking many retaliatory actions.

Unprotected industrial action hasn't been approved by Fair Work. Potential consequences include dismissal or being held liable for any losses incurred by the employer resulting from industrial action.

The Fair Work Commission can also issue an order to stop unprotected industrial action. If that order is not followed, the Commission can issue fines and rescind the right for protected industrial action for the duration of bargaining.

When can I take PIA?

Workers can take PIA during the bargaining stage of an enterprise agreement. The first step is a ballot outlining the proposed forms of industrial action to be taken. This ballot must pass with a majority of affected workers participating and a majority of participants supporting industrial action.

Can the boss take industrial action too?

Yes, bosses can take protected industrial action as well. They may elect to do so within the bargaining stage, or as a retaliatory action against workers on industrial action.

Will I get paid while taking PIA?

The Fair Work Act prevents employers from paying workers engaged in industrial action for the duration of the action. Where the action is a partial work ban, employers must make payments proportionally based on hours worked.

How will taking industrial action effect my entitlements?

In most cases PIA will not impact your entitlements or continuity of service. For the period industrial action is undertaken no entitlements will be accrued, but the Fair Work Act prevents them from being taken away. For FIFO workers, employers can't prevent workers from accessing their accommodation during industrial action.

What if my workmates don't want to take industrial action?

If a protected action ballot passes, but not all of your workmates wish to take part, the action will still be protected. The Fair Work Act prevents employers from taking adverse actions against workers for taking part in industrial activities. The law also protects workers who do not wish to participate in industrial action. This means participating workers must not intimidate employees who wish to continue working, including if they cross a picket line to attend work.

Can I lose the right to take PIA?

Acting against an order given by the Fair Work Commission can forfeit your right to PIA for the duration of bargaining. For example, if an order is made for striking workers to return to work and they do not, they lose whatever protections their industrial action had and the right to have future actions protected for the duration of bargaining.

Considering taking industrial action?

Consider which activities and times would have the most impact. Some actions can cause disruption for minimum loss of pay for workers. Other considerations include whether the employer has an alternative workforce they can call on to undermine your industrial action; or other factors that may impact your success.

Remember that workplace policies such as media and social media policies continue to apply during industrial action – so leave commentary and photographs to your elected delegates and union representatives.

Your Union reps will guide you through the PIA process; and always remember, the most important ingredient for successful collective action is solidarity.



2023 was a massive year for mining and energy workers, with key wins set to shape the future of our industry.

The MEU secured many important victories including our independence as a Union, and the Same Job Same Pay Laws that we have championed for years.

We hope you will enjoy reading about the activities of our great union, and about how we're meeting the current and future challenges facing workers in mines, ports, and power stations.

There has never been a better time to join the Mining and Energy Union, so get involved and help us make 2024 fairer for the workers and communities which support our industry.



We have won Same Job Same Pay laws.

Join today to help get it at *your workplace.*

JOIN TODAY



