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February 2024

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BHP TRAIN DRIVERS TO GET 300K PLUS BONUS



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Mining & Energy Union



TRAIN DRIVERS REBUILD UNION POWER IN THE PILBARA!

BHP iron ore drivers in the Pilbara are on track to secure substantially improved pay, bonuses and conditions after preparing to take the first strike action in the Pilbara iron ore industry for 15 years.

After notifying of a 24-hour strike and a week of slow-downs in their efforts to secure a new Enterprise Agreement, BHP came to the table with a package addressing many of drivers' key concerns including a 20% pay rise and guaranteed bonuses.

WA District Secretary, Greg Busson said that the MEU and BHP reached an in-principle agreement with BHP on Thursday 15 February.

Mr Busson said that the proposed offer was an industry leading agreement and bargaining representatives made the decision to subsequently withdraw planned industrial action which was set to commence from Friday 16 February.

The MEU had notified of a 24-hour stoppage on Friday 16 February and slowdowns of some trains to no greater than 30 kilometres per hour for seven days beginning Saturday, 17 February.

Bargaining representatives said the new agreement addresses key concerns of MEU members which

include renumeration, rostering, flight allowance and other key conditions including:

- **INCREASE TO BASE RATE AND GUARANTEED 20% PAY RISE OVER FOUR YEARS (NOT ATTACHED TO PERFORMANCE APPRAISAL)**
- **GUARANTEES AROUND ROSTERS (NO EMPLOYEE WILL BE MADE TO WORK AN OVERTIME ROSTER UNLESS AGREED)**
- **NEW RAIL ALLOWANCE LOCKED INTO THE AGREEMENT AS AN ONGOING ENTITLEMENT**
- **2 X \$20,000 RETENTION PAYMENTS**
- **GUARANTEES AROUND FLIGHT ASSISTANCE.**

"Members should be incredibly proud of themselves for setting a new industry standard for workers in the Pilbara."

Mr Busson said that members have been offered a great deal that reflects the unity and determination members have shown and that BHP Iron Ore train drivers had shown the power of having a strong

union presence and high union density.

Secretary of the Pilbara Lodge, Hank Wiltschut said that when he came into a leadership position, the lodge made density a top priority. He said that having strong union density would be a key part of negotiating a strong new agreement.



“We were able to build our density from around 40% to over 90% in around a twelve-month period.

“Personally, I was talking to every single person I saw and asking them if they were in the union and talking to workers about why they should join.

“We built up momentum from there, and at a certain point I could start to feel it snowballing.

“We also wanted to give our members some union merchandise such as backpacks, caps, campaign shirts and lapel pins and everyone wore them with pride and made the union very visible in the workplace.”

Mr Wiltschut said that having regular meetings for members and regular communications following enterprise bargaining agreements also helped bring people into the fold and when the prospect of industrial action arose, members joined so that they would be able to take part if things reached that stage.

Since the bargaining representatives and BHP reached in-principle agreements he said the response had been overwhelmingly positive.

“Since we reached the agreement in-principle there’s been nothing but positive feedback and when members have had questions or wanted more information, we’ve been able to provide that to them.

“I’ve also had a heap of members reach out via text or phone at all hours saying that they’re over the moon so we’re very proud of what we have achieved and we’re going to go back into the negotiations next time and build on our achievements.”

Well done to our train drivers who are showing us how it’s done!

Bargaining representatives and BHP are now working through the revised draft agreement which will soon be put out to a vote.

Rio Tinto train drivers in the Pilbara also voted up a new Enterprise Agreement last week, winning 90% support. The MEU is pleased that the current proposed EA provides strong improvements for members including the removal of performance-based pay reviews, guaranteed equitable percentage increases, better processes to resolve workplace issues, and more rights for Delegates. The gains were made at no expense of other conditions.

Rail organiser Warren Johncock said it was a big week for Pilbara drivers, who were in a good position to continue improving conditions.

“The Rio Tinto agreement is a very good outcome, but we have put the company on notice that we will be looking to improve our position in the next round of bargaining.

“These big mining companies are raking in billions from iron ore and they know they need skilled train drivers to continue operating. There is plenty of competition for skills and Pilbara drivers are becoming more confident to stand together for what they deserve.”

Profit results out last week showed that BHP profits from iron ore skyrocketed 27% to \$US9.6 billion in the second half of last year while Rio Tinto made \$US20 billion from iron ore in 2023 – both with earnings margins of nearly 70%.



YALLOURN ESOS TAKE ACTION FOR FAIR REDUNDANCY



Emergency Services Officers (ESO's) working at Energy Australia's site at Yallourn employed by Programmed Maintenance Services are undertaking indefinite industrial action for fair redundancy entitlements.

ESO's will continue to fulfil their obligations by responding to emergencies and ensuring they are meeting safety requirements. The industrial actions undertaken will comprise of bans on completing daily shift logs, bans on completing inventory checks, bans on completing debriefing forms, bans on refuelling vehicles, bans on cleaning vehicles, as well as bans on higher duties and overtime.

Victorian District Secretary Mark Richards said that with Yallourn closing in just four years, ESOs are taking action for fair redundancy entitlements.

"Currently, their entitlements are less than those of Yallourn mine and power station workers.

"That's not fair and doesn't live up to Energy

Australia promises for a just transition.

"We believe that our ESO's deserve comparable redundancy entitlements to those they work alongside in the mine and power station, which is four weeks of each year of services paid for all years worked."

Mr Richards said that there had been a culture at Yallourn of workers organising through the union to stand up for improved entitlements and a just transition.

"Yallourn mineworkers took action in 2022 and were successful in bringing redundancy provisions in line with power station workers. ESOs deserve the same."

Negotiations started in June 2023.

In January, 100% of members voted yes to undertaking all forms of industrial action with a 94.1% participation rate.

CLOSING LOOPHOLES 2: MORE GOOD NEWS FOR WORKERS

The second part of the Albanese Government's Closing Loopholes industrial relations reforms passed through Parliament this month, delivering new rights for casuals, gig workers and union delegates.

Same Job Same Pay provisions for labour hire workers become law when the first part of the Closing Loopholes Bill passed before Christmas.

The MEU legal team is currently preparing our first applications to win Same Job Same Pay for labour hire workers and we will provide a full update on our first applications and next steps as soon as they are lodged.

Meanwhile, here is an update on the latest improvements for workers' rights.

A NEW DEFINITION OF EMPLOYEE AND EASIER CASUAL CONVERSION

Under the Coalition's 2021 amendment to the Fair Work Act, the definition of what a 'casual employee' was changed to be strictly based on what was specified in a worker's letter of offer. This was in direct response to our Union's progress in fighting the permanent casual rot in the mining industry.

Closing Loopholes 2 has fixed this, now requiring the Fair Work Commission to examine the practical nature of the relationship between workers and their employer. This means that if a casual worker works the same set hours on a regular basis and has a firm advance commitment for work (such as being rostered a year in advance) they can make a claim to the Fair Work Commission. The Commission can then have the worker's employment relationship redefined - even if their employment contract defines them as a casual.

Closing Loopholes 2 also includes an easier pathway for casual employees to convert into permanent positions. If a casual employee is working regular shifts on an ongoing basis, after 6 months they will be able to request conversion into a permanent position if they so choose. It will then be up to the employer to either accept this request or explain in writing their reasons for rejecting it. If the employer has not provided a reasonable justification for rejecting the request, the worker

will be able to dispute this decision in the Fair Work Commission.

INTRACTABLE BARGAINING CHANGES

The Albanese Government's first tranche of industrial relations reforms introduced intractable bargaining provisions, designed to help speed up bargaining and encourage all parties to negotiate in good faith. Under these provisions, if bargaining has been going on for over 12 months, either party can seek an intractable bargaining declaration, which brings the matter into the Fair Work Commission for arbitration. The Commission would then work with both parties to attempt to reach an amicable solution, ultimately deciding on the conditions where both parties cannot reach an agreement. Unfortunately, employers have used these intractable bargaining declarations to avoid good faith negotiation and attempt to roll back conditions already present in their enterprise agreements. By stalling negotiations, these employers drag out the process in order to reach the arbitration stage where they then argue for already present conditions to be reduced or removed.

Under the changes in Closing Loopholes 2, employers will no longer be able to exploit intractable bargaining. The Fair Work Commission is now required to ensure that no EA they arbitrate on is a backward step for already existing conditions. With this possibility now eliminated, we have already started to see employers return to negotiating in good faith with the Union.

DELEGATES' RIGHTS

Closing Loopholes 2 introduces a right for workplace delegates to represent members and potential members in their industrial interests. These include reasonable access to workplace facilities, reasonable communication with members, and paid time off to attend training related to their role as a delegate. This means union delegates are about to get a lot more active and visible on site!

RIGHT TO DISCONNECT

Thanks to a last-minute amendment, Closing Loopholes 2 also includes the new right to disconnect. While there has been a lot of confusion surrounding this provision, it simply means that it

is unlawful for employers to penalize workers for failing to respond to work related texts or emails outside of their paid work hours.

NEW RIGHTS FOR WORKERS IN THE GIG ECONOMY

Closing Loopholes 2 also includes new rights for workers in the app-based gig economy, designed to protect them from unfair dismissal and creating minimum conditions. While these workers are most recognizable as food delivery workers on apps like UberEats, the last few years has seen this model being expanded into a variety of other industries. Most concerning is the growing popularity of the

gig model in care industries, such as at-home disability and aged care. The new rights in Closing Loopholes 2 are a welcome and necessary step in regulating this model as it continues to be adopted and refined across the wider economy.

In three major rounds of IR reform over the past 18 months – Secure Jobs, Better Pay; Protecting Workers Entitlements and Closing Loopholes – the Albanese Government has delivered substantial reform for workers.

All of these reforms have been opposed by the Liberal National Coalition and One Nation.

We have won Same Job Same Pay laws.

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



THE LIBERAL NATIONAL COALITION AND ONE NATION OPPOSED THESE WINS:

ABOLISHED OR REBALANCED ANTI-UNION LAWS AND BODIES

1. ABCC and Building Code abolished
2. Registered Organisations Commission abolished
3. Rebalanced the Fair Work Commission
4. Repealed Porter demerger laws

NEW RIGHTS FOR ALL WORKERS

5. 10 days paid family and domestic violence leave for everyone, including casuals
6. The right to disconnect
7. 26 weeks paid parental leave
8. Allowed new parents to take parental leave on a flexible basis
9. Restored the role and powers of the Fair Work Commission
10. Stronger anti-discrimination laws

GREATER JOB SECURITY FOR ALL WORKERS

11. Job security is an object of the Fair Work Act
12. Strong definition of an employee to stop employers converting employees to contractors
13. Better definition of casual work to stop employers converting permanent jobs into casual jobs
14. Casual workers have the right to convert to permanent if they are working regular hours with appeal rights to the FWC
15. Abolished endless fixed term contracts by limiting them to two years
16. Made sham contracting unlawful
17. New rights to challenge unfair contracts in the FWC
18. Given digital platform gig workers the ability to have minimum standards and pay
19. Stopped employers turning permanent jobs on good EBA pay and conditions into cheaper labour hire jobs

NEW BARGAINING RIGHTS

20. Zombie agreements which lock workers into low pay have been abolished
21. Unions now can access multi-employer bargaining
22. Employers cannot get agreements cancelled to cut pay and rights
23. The FWC can now arbitrate agreements if bargaining is intractable with no reduction in

conditions

24. Made it easier for workers to start bargaining again after an agreement expires.
25. New rights for road transport workers to negotiate fair pay
26. New anti-avoidance laws to stop employer schemes to avoid new obligations

NEW LAWS TO STOP WAGE THEFT

27. It is now a criminal offence
28. Penalties have increased five times
29. Union reps have better right of entry options to stop it
30. It is now illegal to advertise jobs below the award wage
31. Stronger rights to chase up unpaid super
32. Easier to chase up unpaid wages with better access to the small claims process
33. Stronger rights for migrant workers
34. Pay day super

NEW LAWS TO ENSURE WOMEN GET RESPECT AT WORK

35. Stronger equal pay laws
36. Stronger laws to stop sexual harassment and discrimination
37. Outlawed pay secrecy clauses and policies
38. New gender equity experts in Fair Work
39. Care and community work experts in Fair Work
40. Stronger right to request flexible work for carers and others
41. Gender equity an object of the FW Act

NEW STRONGER WHS LAWS

42. Employers are now criminally liable if they kill a worker with the new industrial manslaughter offence
43. Banned engineered stone that is killing tradies, and action to eradicate silicosis.
44. Better access to workplaces for unions to deal with health and safety
45. Presumptive PTSD for first responders in Comcare
46. New rights for unions
47. Extensive union delegates rights

International Women's Day 2024



Ahead of International Women's Day on 8 March, we are giving out 50 of our new 'A woman's place is in her union' t-shirts!

To enter, let us know in 50 words or less why it is important for women to be members of their union. Submit your response before 8 March at the QR code.



RUSSELL VALE CLOSURE A SAD DAY FOR WORKERS AND COMMUNITY

Wollongong Coal's decision to close the Russell Vale Colliery is a sad day for the workforce and the South Coast coal industry.

South Western District Secretary Andy Davey said union representatives had met workers on site and would continue to support members to ensure they received full entitlements.

"We understand the regulator has to do its job enforcing the safe operation of coal mines, leading to this decision by Jindal Steel and Power," said Mr Davey.

"It's a sad day for the region because of the long history of coal mining at Russell Vale. It's always difficult to lose so many local jobs, with the flow-on effect to families and community.

In response to a series of underground fires, the New South Wales Resources Regulator placed a prohibition order on Russell Vale on January 18th. This stopped work at the mine until February 6th, when Wollongong Coal Parent company Jindal Steel and Power announced the closure.

Russell Vale is one of the oldest coal mines in New South Wales, operating since 1887. The closure has

also applied to the nearby Wongawilli Colliery, which was brought out of care and maintenance in 2022.

The closure of the sites has left over 200 mineworkers without jobs, putting additional pressure on working families and communities at a time of high cost of living.

"We have a thriving local coal industry and we are confident some of these experienced workers will pick up work locally. However we are already aware of some workers looking at moving interstate."

Mr Davey said the leases for Russell Vale and Wongawilli mines should be taken over by a new operator rather than being permanently closed.

"We will be seeking discussions with the NSW government at the earliest opportunity to urge a solution for these coal mines that will keep them open.

"The Bulli and Wongawilli coal seams produce some of the world's best metallurgical coal for steel-making. We'd like to see these leases handed over to an operator who can run these mines efficiently and safely."

WORKPLACE REFORMS SHOWING EARLY SIGNS OF SUCCESS

**GENERAL PRESIDENT,
TONY MAHER**



The Federal Labor Government has successfully passed three important rounds of workplace legislative reform including the Closing Loopholes Bill. While it will take some time for the changes taking effect, we are already seeing positive signs for workers in the mining industry and beyond.

Last week, ABS wages data showed that wages were growing faster than inflation and the 4.2% increase in December was the highest annual growth since 2009.

As our Union prepares to make our first Same Job Same Pay applications to deliver wage rises to labour hire miners, we are already seeing positive developments across the industry.

MORE PERMANENT JOBS IN THE MINING INDUSTRY

We have seen a considerable increase in permanent employment among labour hire companies in the mining industry, which was plagued by casualisation. Even though strengthened rights for casuals have only recently passed the Parliament, measures to set boundaries around casual work in the mining industry has seen permanent employment rise over the past 18 months in our industry.

Similarly, in some parts of the mining industry we have seen an increase in direct employment due now reforms stamping out labour hire exploitation, through Same Job Same Pay. For those mineworkers in the black coal mining industry that remain casual, we welcome the changes and will work to ensure that casual mineworkers are treated no less favourably than permanent employees in the accrual, payment and reporting of their hard-earned long service leave.

MULTINATIONAL COMPANIES ARE MORE WILLING TO COME TO THE TABLE

We are also seeing signs that employers – even multinational mining companies who are used to getting their own way - are more willing to speak to the Union to resolve workforce issues, rather than take an intransigent approach. Measures which

work to encourage companies to come to the table include the inability to terminate Enterprise Agreements and the possibility of arbitration to resolve deadlocks.

This willingness to work with the Union has resulted in positive outcomes for workers in numerous individual matters. We have also had significant outcomes in bargaining recently, for example a new Agreement for Rio Tinto train drivers and an agreement in principle for BHP train drivers in the Pilbara – a region where mining employers have been inflexible for many years when it comes to negotiating with their workforce. These deals were also positively impacted by new rights for union delegates, which ensure delegates are able to conduct activities on paid time.

STRENGTHENING GENUINE BARGAINING BY ENSURING AGREEMENTS ARE VOTE UP BY THE WORKERS IT WILL COVER

There has been a noticeable decline in ‘small cohort’ enterprise agreements, where a handful of unrepresentative workers vote up an agreement which can go on to cover hundreds, or even thousands of others. These dodgy agreements undermined the principle of genuine bargaining and had become common practice among labour hire companies in the mining industry. The new requirement for workers who vote up an agreement to be representative of those it will cover has significantly reduced this practice.

We look forward to seeing positive impacts from the new IR laws in the months and years ahead and will be doing our part to ensure they improve wages and employment conditions in the mining and energy industries.

On another note, I was very pleased to represent the Mining and Energy Union at ACTU Executive last week, as we are now affiliated in our own right. Our independent union has had a very positive welcome from across the trade union movement and we look forward to working closely with the ACTU and other unions to further the interests of MEU members.