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Mining & Energy Union



SAME JOB SAME PAY: FIRST APPLICATIONS AND WHAT'S NEXT?

The MEU has lodged our first two Same Job Same Pay applications, under new laws to prevent labour hire workers being paid less than permanents for performing the same work. There are many more to come. Here's what you need to know about the applications and what comes next.

Our first applications were at Callide Mine at Biloela in Queensland and Mount Pleasant mine in the NSW Hunter Valley. These two locations were selected as appropriate first cases with a high chance of success due to their typical labour hire arrangements. The MEU intends to make many more applications in the months ahead.

Under the new laws:

- Applications for Same job Same Pay must be made to the Fair Work Commission
- The Commission then determines whether to issue Same Job Same Pay orders, triggering a requirement to pay a 'protected rate of pay' in line with the host employer's Enterprise Agreement
- Pay rises due to Same Job Same Pay these and any future orders would come into effect on 1 November.

Callide Mine QLD

Our first application covers mineworkers employed by Workpac at Batchfire's Callide mine at Biloela.

At Batchfire's Callide mine, about 560 mineworkers are employed as production operators. About 40% are employed directly 60% are labour hire employed through Workpac. The pay differential varies depending on employees' classifications, ranging from approximately \$10,000 to \$20,000 a year. If approved, the order would lift the pay of Workpac production employees to match Batchfire production employees.

Callide has high union membership among Workpac labour hire mineworkers and the strong support of their permanent workmates for a fair go at the site.

Mount Pleasant Mine NSW

Our second Same Job Same Pay application covers mineworkers employed by Programmed at Mount Pleasant mine near Muswellbrook, owned by MACH Energy and operated by Thiess.

At Mount Pleasant, Programmed labour hire production workers perform the same work on the same rosters on the same equipment under the same supervision as Thiess production workers.

If approved, the order would lift the pay of Programmed production employees to match production operators employed under the Thiess Mount Pleasant Operation Enterprise Agreement. The pay differential ranges from approximately \$30,000 to \$40,000 a year.

When will further Same Job Same Pay applications be made?

These applications are just the start. As the first applications, they will be closely watched. It is our hope that they will be dealt with promptly by the Commission and our intention to follow them with a steady stream of applications in recognition of the widespread use of labour hire across the industry.

The order of applications will be determined by Districts in consultation with our national legal team, based on:

- The circumstances at the site fitting requirements of the legislation
- Density of union membership among the labour hire cohort and member support for the application.

We understand members' interest in the timing of applications and appreciate your patience as we work through this new legal process.

Our message to all labour hire and contractor mineworkers across the industry is to get on board, join the Union, help us make strong applications and return fairness to the industry.

TAHMOOR CONTRACTORS ORGANISE AND WIN

Tahmoor workers employed by RStar mining have gone from being the lowest paid contractors in the South-West District to voting up a new enterprise agreement with higher pay and improved benefits, after organising their workforce from less than 25% membership to nearly 70%.

Workers have secured an initial 5.3% increase and two 4% anniversary date increases, overtime paid at double time, increased leave provisions and a \$2,500 sign on bonus, as well as other benefits.

South West District Secretary Andy Davey credits the new improved agreement due to members organising their workforce, particularly through the establishment of a Delegate Network on site and having an active bargaining committee.

“It was really important for us to get in front of workers at Tahmoor and be able to chat to them about the issues around the enterprise agreement, particularly around pay and their hourly rate.

“We began with around 80 members at the start of this round of enterprise bargaining and build up to around 220 members out of around 330 workers.

“Our Delegates were out there having conversations and building their contacts after each shift and it was incredibly encouraging to see the number of members getting bigger each time.”

Andy said that contractors far outweigh the permanent workforce by about three to one and it was a key objective to build solidarity among workers to secure a better deal and vote down substandard offers that company may have tried to lock in with a divided workforce.

“RStar Mining proposed an enterprise agreement in 2023 which did not address many of our concerns around pay, but because we had built a strong presence on site, we were able to defeat that.

“Through being organised and having the density, we were able to communicate with the majority of the workforce about what the company was doing and stay united.

“We are very proud of our members who stood strong together and secured this outcome.”

Last year, MEU members at Tahmoor also established an important win that RStar mining could no longer deduct annual leave during a public holiday, and workers who had annual leave deducted in the past would have that recredited in their annual leave balance. This win was possible due to RStar members who took this issue to the Fair Work Commission.

The new agreement was approved at the beginning of this year.

While all opportunities will be taken to win Same Job Same Pay orders at mine sites – building power in the workplace through union density is still critical for continuing to improve pay and conditions, said Andy.

“RStar workers have shown what a difference it makes when workers stand together, not only on pay but in improving a whole range of conditions. Whatever the issue, employers know that when the union is strong, they have to listen.”





MEET OUR NEW VICTORIAN DISTRICT PRESIDENT

Our new Victorian District President Andy Smith says bringing new industry to the Latrobe Valley will be his top priority after being elected to the role in February, following Trevor Williams' retirement last year.

Andy, who was previously a District Organiser, says he is passionate about ensuring the future of members in around the Latrobe Valley. He says that a just transition and the creation of new local jobs will be a key focus and he looks forward to being on the ground with members.



"We're at the forefront of the energy transition here in Victoria, and members want to know what's going to happen to them and our industry, particularly at our power stations in a few years' time.

"As much as we take pride in our union standing up for and winning strong redundancy provisions, we need to also be taking coordinated action to bring in new industries to the Latrobe Valley.

"We need new jobs that can accommodate coal mining and coal fired power station workers who come from heavy industry, and we need to ensure

that there are enough jobs to accommodate workers who are going to be on the front lines when scheduled power station closures happen."

Andy says that he is keen to step up to the plate on these challenges and that it will be essential to bring workers along for the journey.

"Our members in Victoria are very resilient and remain hopeful for the future.

"I want to make sure that we're taking a pragmatic approach to these challenges, and I believe the best way to do that is to be united through the union as we navigate the next few years."

Andy began his career in the union movement as a Delegate and Union Health and Safety Representative at Blue Scope Steel at Western Point in Victoria for a few years. After that he worked for the ACTU and moved into a role as Organiser with the Western Mineworkers Alliance, organising iron ore workers in the Pilbara. Andy joined the MEU Victorian District as an Organiser in 2021.

"I am really passionate about the work I do, and I wholeheartedly believe that unionism is the best way for working class people to lift their wages and conditions and improve their lot.

"I'm looking forward to taking a really grassroots approach to the role as I enjoy being out in the workplace with members, listening to what matters to them and understanding their needs.

"Also, for the record, I make a lot of dad jokes, so that's something members will have to expect of me when I come around!

"I think it's important to break the ice sometimes and also to lighten up things because our work can be very heavy and the challenges that we face can be extremely tough."

Andy lives in the Latrobe Valley. In his spare time, he enjoys painting and all things outdoors, including fishing and four-wheel driving.



INTERNATIONAL WOMEN'S DAY

CELEBRATING WOMEN IN OUR UNION

March is the month we celebrate International Women's Day. It is an important time to recognise the progress and achievements of women in society and in the male-dominated mining industry – and in our Union.

It's also a time to urge mining companies to lift their game to support women to thrive in the industry. Despite the flurry of IWD Awards and events from mining companies, women still face extensive challenges.

Mining has long been Australia's most male-dominated industry, but numbers of women are growing. Data from Australia's Workplace Gender Equality Agency shows that about 20% of employees in the coal mining industry overall are women, and about 16% of machinery operators and drivers.

It is a positive development that more women are getting opportunities to access the skilled and well-paying jobs the mining industry has to offer; as well as joining the MEU and stepping up into leadership roles including Delegate, safety rep, Lodge executive, District Board and Central Council positions.

The MEU has also recently employed three new female organisers with decades of experience.

But while we have many proud and capable women mineworkers in our industry, it can be a tough place for them. It is frustrating when mining companies capable of digging up and transporting millions of tonnes of coal per year, can't provide adequate toilet facilities for women on site or make women feel guilty for using them.

It is deeply unfair when the same mining companies that promote female employment then fail to support women when they become pregnant, require

alternative duties or a degree of flexibility as they return to work from parental leave.

It is shameful that many mining companies have concentrated their employment of women in labour hire companies, meaning female mineworkers have all too often simply lost their jobs rather than being able to access rights when they become pregnant.

And women are too often subject to sexual harassment and inappropriate behaviour in our mine sites. Employers must ensure that standards of behaviour are made clear; and the MEU also takes seriously our role in promoting respectful behaviour and attitudes to women in the workplace.

The MEU urges all employers in the industry to look closely at their support for women and what more they can do to ensure mine sites are safe, respectful and inclusive for women workers.

And we encourage all women in the industry to join the Union to boost women's collective voice, ensure your needs are reflected in our bargaining claims and workplace campaigns, and support you to access new rights from workplace law reform.

Although International Women's Day has taken on a corporate flavour, its origins are in working class women agitating for political and economic rights over a century ago. Now, as then, it is only through that standing together and advocating for change that women workers have improved their position in the workplace.

And before anyone raises it – yes there's an International Men's Day too. It's on 19 November and we encourage men to get involved then or at any time of year to talk about the important issues affecting men, like mental health and wellbeing. Supporting or seeking support from Mates in Mining is a great place to start.



YOU'VE BEEN CALLED INTO A MEETING WITH THE BOSS – WHAT A UNION SUPPORT PERSON CAN ASSIST WITH

WHAT IS A SUPPORT PERSON?

A Support Person is a person who can assist members regarding workplace matters. This can be a representative of the Union. A Support Person is often called on when a member is asked to meet with the company.

HOW CAN A SUPPORT PERSON ASSIST DURING A MEETING WITH THE COMPANY?

The role of a Support Person can vary, depending on the individual. Some of the ways a Support Person can support members include attending the meeting, providing advice on what to expect, acting as a witness, taking notes, asking clarifying questions, or requesting a short break. Essentially, a Support Person supports your interests.

AM I ENTITLED TO A SUPPORT PERSON?

As an employee, you can have a Support Person or a representative at a meeting with you.

In discussions relating to dismissal, your employer is not obliged to offer you a Support Person but they also must not unreasonably refuse the right for you to have a Support Person present.

The company may claim that you don't need a Support Person for a meeting, dismissing it as a

casual chat or asserting that you're not entitled to bring one. Do not be misled. If faced with such objections, you are allowed to challenge that assertion.

THINGS TO KEEP IN MIND IF YOU ARE REQUIRED TO ATTEND A MEETING WITH THE COMPANY:

- Always contact your Delegate as soon as you are informed that you need to attend a meeting
- Always arrange to take a support person with you to the meeting
- If the proposed timing isn't suitable, you are allowed to suggest an alternative
- Never assume the meeting's outcome or underestimate the need for a Support Person
- Never wait until you get the Show Cause stage of the process before contacting your Support Person or the Union
- Always tell the truth and only provide answers to questions asked
- Recognise that many members tend to offer more information than necessary
- Know that your SP is able to ask questions to clarify information for you
- Don't believe the spiel that is provided at the start of the meeting that you cannot talk. You can't answer questions on behalf of the person being interviewed but you can seek clarification.



SOUTH32 JOINS MAJOR INTERNATIONAL PEERS IN DIVESTING FROM COAL

As global mining companies jostle to position themselves for maximum profit in a changing commodity landscape, coal mines in Australia continue to change hands.

Multinational mining company South32 announced in February a deal to sell its Illawarra Metallurgical Coal business unit for US\$1.65bn – around \$2.5bn in Australian money. Comprising Appin and Dendrobium Mines, plus South32's stake in the consortium operating Port Kembla Coal Terminal, Illawarra Met Coal is a major player in NSW's southern coalfields.

Though the announcement was not expected, the decision to sell the mines does not come as a surprise. Media speculation over the latter half of last year touted the possibility of the assets changing hands, with South32 CEO Graham Kerr commenting that 'everything's for sale at the right price.' And South32's investor publications make the company's strategy for the future clear: the company is pursuing investments in metals and minerals it thinks will bring strong returns as the world's industry and energy systems transition away from fossil fuels. South32 is particularly interested in opportunities to develop zinc, copper, and other base metal assets globally. When Illawarra Met Coal changes hands, the company will have fully divested from coal.

The announcement also serves to underscore a broader trend observed in the portfolio strategies of major diversified mining multinationals in the years since Rio Tinto completed its divestment from coal in 2018. In 2021, Anglo American spun-off its South African thermal coal operations into a separate company now operating as Thungela, leaving Anglo with a slimmed-down coal portfolio of high quality metallurgical coal projects in Queensland. Meanwhile, BHP's decisions to manage Mount Arthur to closure in 2030 and sell its Blackwater and Daunia Mines reflect a similar desire to focus on only the highest-grade coking coals while

developing newer operations in copper and potash. And Glencore has signalled an intention to spin-off its coal operations, pending its acquisition of Teck Global Resources' metallurgical coal mines in Canada.

This is not to say that Australian coal mines have been left wanting for interested buyers. Australia's pure play coal producers are awash with cash after recent windfall profits and lining up to buy. Last year, this saw Whitehaven emerge the winning bidder for Blackwater and Daunia. The prospective purchaser for Illawarra Met Coal is GEAR M, an entity majority owned by major Indonesian company Global Energy and Resources (70%), with Australian coal trading company M Resources holding a 30% stake. Both companies are established players in Australian coal, with heavy involvement in the fast-growing Stanmore Resources.

Mining companies are not renowned for being worker-friendly, but new ownership can be an opportunity to reset relationships for constructive dialogue and better working conditions.

In particular, South32 has aggressively embraced the labour hire employment model and is well-known in the Southern District for pitting contracting companies against each other to deter bargaining and drive down wages and conditions.

With approximately 1000 permanent employees and 1600 labour hire and contractor workers across Appin and Dendrobium, the District will be pushing for certainty for labour hire and contractors and a greater commitment to permanent jobs from the new owners. The sale also reopens the possibility that expansion plans for Dendrobium mine could be back on the table, after South 32 abandoned them last year.

Whoever owns the assets, the Union will continue fighting for permanent jobs in a strong industry.

SAME JOB SAME PAY HELPS PERMANENTS TOO

**GENERAL SECRETARY,
GRAHAME KELLY**



Union density among labour hire workers – like any group of workers – is the key to improving our collective position.

As we work to translate our fantastic legislative win on Same Job Same Pay into pay rises on the ground, we encourage permanent workers and Lodges to be proactive in building union representation among labour hire workers. This not only increases their chance of a Same Job Same Pay application at their worksite, but also because the collective benefit of Same Job Same Pay returns fairness to our industry, for permanent and labour hire workers alike.

We have spoken a lot about how closing the labour hire loopholes will make wages rise for labour hire workers. While that is going to be a key outcome, Same Job Same Pay will benefit permanent workers by returning fairness to the industry and allowing us to further build our collective strength.

Same Job Same Pay will be a unifying force for our industry through ensuring that employers cannot undermine our hard-won Enterprise Agreements, create more permanent jobs and provide us with a unique opportunity to further build our collective strength in numbers by bringing more labour hire members into the fold.

Same Job Same Pay is good for permanent workers for three key reasons:

1. SAME JOB SAME PAY STOPS OUR HARD FOUGHT FOR UNION-NEGOTIATED ENTERPRISE AGREEMENTS FROM BEING UNDERMINED.

The key reason mining companies embraced the labour hire port was to undercut union-negotiated Enterprise Agreements.

Successful Same Job Same Pay orders will set a protected rate of pay, meaning that labour hire workers must be paid at the Enterprise agreement site rate. This means that when the Union is negotiating rates of pay at a Same Job Same Pay worksite, we are negotiating for a larger proportion of the workforce, increasing the strength and importance of on-site agreements.

A common practice we see in the mining industry is employers shrinking the island of their permanent workforce. When a worker retires, instead of replacing that position with a permanent role, employers have brought in a labour hire worker instead.

2. SAME JOB SAME PAY REMOVES THE FINANCIAL INCENTIVE TO USE LABOUR HIRE, WHICH WILL LEAD TO MORE PERMANENT ROLES.



Same Job Same Pay will lead to more permanent roles as the financial incentive to outsource the workforce through labour hire arrangements is removed.

Companies have already started to rearrange their workforces after seeing the writing on the wall about Same Job Same Pay.

Last year, BHP sold two of its coal mines in Central Queensland, Daunia and Blackwater to Whitehaven, and Whitehaven have committed to transitioning 400 BHP OS workers from labour hire to permanent jobs. Anglo committed to creating 200 new permanent jobs at Grosvenor underground mine near Moranbah, which was previously a 100% labour hire site.

Across the industry, mines which haven't employed permanents for many years - some for up to eight years - have started hiring workers under site Enterprise Agreements.

3. BRINGING MORE LABOUR HIRE MEMBERS BEHIND SAME JOB SAME PAY APPLICATIONS IS A UNIQUE OPPORTUNITY TO FURTHER BUILD OUR COLLECTIVE STRENGTH.

We have campaigned for and won 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.

Achieving this level of legislative reform is an important win. We must seize this unique

opportunity to build our power, through strength in numbers by bringing labour hire members into our ranks.

The labour hire loopholes were devised as a deliberate strategy by mining companies to drive down their wages bill, but a key ancillary benefit for mining companies was to divide their workforce. After all, it's a lot harder to unite workers at a site where half of the workers are on Enterprise Agreement rates of pay and conditions, and the other half are employed through a labour hire company.

We must now use this as a vehicle to bring as many labour hire members into the fold as possible. This will assist in us lodging more Same Job Same Pay applications, as well as further building our collective strength. Additionally, for successful applications, our legal team will need to collect information about pay, shifts, rosters and work allocations; and we will need assistance from members and Lodges with this. Being able to collect more facts from more labour hire members will assist us in these applications.

Same Job Same Pay will improve the standing of the permanent workforce and members and Lodges are encouraged to take this opportunity to strengthen our collective position.

Our message to all permanent mineworkers and Lodges is to come on board to help us make strong Same Job Same Pay applications for your labour hire mates, return fairness to the industry and make our Union even more effective.

WE HAVE WON SAME JOB SAME PAY LAWS

JOIN TODAY TO HELP GET IT AT YOUR WORKPLACE



*Applications underway!
Register your interest*

New laws are in place to stop labour hire workers being paid less than permanents for the same work.

Standing together through the Union is the best way to achieve Same Job Same Pay at your workplace.

There has never been a better time to join.

The MEU welcomes permanent, contractor and labour hire workers.



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samejobsamepay.com.au