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**BHP OS WORKERS WIN
PAY RISE!**

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BHP OS strike delivers pay rise

Operations Services production workers at Central Queensland mines have voted up a new agreement after pressuring BHP to improve its offer through taking industrial action.

Even though the Union advocated a 'no' vote, believing more could be achieved, 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, which covers workers at Blackwater, Saraji, Goonyella Riverside, Caval Ridge, Daunia and Peak Downs mines, still needs to be approved by the Fair Work Commission to ensure it complies with workplace laws.

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 – 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.

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.

Workers at Whitehaven's Maules Creek open cut mine in northern NSW have just voted up a new Enterprise Agreement that will see base pay increase from \$130,000 to \$150,000 plus increased guaranteed bonus and improved conditions.

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

Other provisions in the new EA include:

- \$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 current Enterprise Agreement negotiations compared to last time.

"The last 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 has grown. He credits 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 were recording 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!

Same Job Same Pay hits the road

Our Same Job Same Pay campaign has been launched in mining centres, with more events to come as we roll out our ads to challenge mining company scare campaigns.

We recently held two launches in Cessnock in the Hunter Valley and Rockhampton in Central Queensland, both areas strongly impacted by misuse of labour hire in the mining industry. Here's how it went:

Hunter Valley Launch



In June, mineworkers gathered in Cessnock. Delegates spoke to media about how Same Job Same Pay would affect them and how their response to scaremongering ads from employer groups.

MEU Delegate Rebecca McDonald who is a heavy equipment operator in the Hunter Valley spoke to media about the mistreatment and lack of security faced by labour hire workers in the mining industry.

Rebecca said this issue has had a significant impact on her and her workmates. The overall safety of the workplace is compromised as labour hire workers fear speaking out about issues, reporting injuries, or taking time off when necessary. Rebecca recognises the importance of addressing these concerns to ensure a safe and equitable work environment for all employees.

Northern Mining and NSW Energy District President Robin Williams said we have seen extremely misleading ads and information being spread by the Minerals Council and employer groups about what this legislation will mean.

He said it was important that we get the message out into regional mining communities and talk to those who will benefit from Same Job Same Pay

“The mining industry here in the Hunter Valley pioneered the business model that has seen whole sections of the workforce outsourced to labour hire and that’s why our ads will resonate in the community.

“The Minerals Council are disgracefully suggesting that some workers are paid less because they are bludgers. The truth is that many workers are paid less simply because they are contractors, rather than direct employees.”

He said that Same Job Same Pay would result in a fair economic return to mining regions for the enormous value produced by their communities.

“Mining communities lose \$1 billion a year from local economic activity due to mining companies exploiting the labour hire loophole which drives down wages and conditions – including nearly

\$250 million a year hear in the Hunter Valley.

Latest data from Coal Services shows that in the NSW Northern District coalfields, 43.2% of open cut and 21.9% of underground coal miners are

contractors, rather than direct employees.

“That means the Hunter Valley will be one of the biggest regional beneficiaries from Same Job Same Pay laws for labour hire workers.”

Rockhampton Launch



We continued the roadshow up in sunny Queensland where MEU Delegates also gathered and addressed media, including Brodie Allen, an Operator in Central Queensland.

Brodie gets paid \$40,000 less a year working as a labour hire mineworker in Queensland compared to direct employees.

When Brodie applied to become a permanent employee, he was told he wasn't suitable for the job – the job he is doing right now.

Mining companies aren't offering permanent jobs to workers because they can't do the job or because they don't have experience – they are simply using labour hire loopholes to cut their wages bill.

MEU Queensland District President Stephen Smyth said the MEU would continue getting out to mining communities and cutting through the BS we have seen from employer groups.

“Mining companies engineered the exploitative labour hire business model and they don't like being called out on it. They are trying to confuse people about Same Job Same Pay, but we are committed to getting the message out into regional Queensland

about how this legislation will benefit workers and their communities.”

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

Mr Smyth said that BHP's admission that closing the labour hire loophole will cost them \$1.3 billion showed how much they have taken out of workers' and communities' pockets by relying on lower-paid labour hire workers rather than direct employees.

“We have workers in BHP Operations Services who are paid just above the Award rate with minimal guaranteed conditions, meanwhile direct BHP employees covered by the BMA Central Agreement are paid up to \$30,000 to \$50,000 more per year despite doing the same job.”

While MEU members in Operations Services have recently won a pay rise and improved conditions after engaging in protected industrial action, Mr Smyth said that closing the labour hire loopholes will be important to strengthen collective bargaining and ensure companies stick to their end of the deal.

WIN: Fair long service leave for casual coal miners passes Parliament

Last month the Senate passed the Albanese Government's latest tranche of changes to the Fair Work Act, which include 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 has 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 welcome 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.

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Checkies give workers a strong voice on safety

Queensland President Stephen Smyth outlines the history of 'check inspectors' in the history of our union and industry, making sure workers have a strong voice in their own safety.

Workers who are new to the coal mining industry may not know about the important role played by our Industry Safety and Health Representatives (ISHRs), traditionally known as check inspectors or 'checkies'.

The role of check inspectors emerged in the NSW Hunter Valley coalfields in the early 1870s. From the outset they were experienced miners elected through a ballot. They conducted detailed inspections of mines and identified serious hazards. By 1915 Queensland had formal statutory recognition of mine safety legislation, which progressively strengthened in response to disasters like Mount Mulligan in 1921.

The principle behind the role of worker-elected safety inspectors is that in a dangerous industry, workers must be able to take a proactive role in ensuring their own safety. In an industry where mining companies still put production before safety, workers need a safety advocate who they trust and who is not driven by production figures, profits or bonuses.

Today, the functions of ISHRs are set out in state legislation in NSW and Queensland. They include inspecting mines to assess risk levels; reviewing procedures to control risks; detecting unsafe practices and taking action to address them; participating in investigations into serious accidents and high potential incidents (HPIs) and investigating complaints from coal mine workers regarding safety or health.

ISHRs have the power to make enquiries about the operation of coal mines, enter any part of a coal mine, examine and copy relevant documents and importantly to issue a directive to suspend operations if risk levels are considered unacceptable.

Coal mine operators are legally obliged to inform ISHRs about accidents and high potential incidents.

Legislation stipulates that ISHRs must be employed by the Mining and Energy Union as the principal union in the black coal industry and elected by a

ballot of members for four-year terms.

We have three ISHRs in Queensland and two each in our NSW Northern and South-Western Districts. They each conduct regular mine inspections, conduct investigations, and respond to worker concerns in their regions. They participate in health and safety committees co-ordinated by the government, conduct training for Site Safety and Health Representatives (SSHRs) and provide an access point to information and support for all coal miners.

Being a checkie is a tough job. I know, because I was an ISHR before becoming District President. It requires long hours away from home, standing up to hostile bosses, dropping everything when an accident occurs and attending scenes that can be very distressing. But it's also immensely rewarding to play a role that is uncompromising in its focus on worker safety and has such a proud history of delivering improvements in mine safety over many decades.

I encourage all coal mineworkers to keep an eye out for ISHR visits to your site and raise any questions or issues that concern you. But also remember that the same coal mining safety legislation that empowers our ISHRs also empowers all coal mineworkers to stop work if they believe safety risks are unacceptable.

Each mineworker must do his or her part to understand risks at their mine site, follow safety procedures and speak up if they believe there is a risk. But mineworkers can also be reassured that they have somewhere to turn and someone to back them up on safety concerns.

We are proud of our checkies and will always fight to maintain their important role in our industry, making sure that workers' safety doesn't come second to production pressures.

Stephen Smyth
MEU Queensland
President

