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November 2024



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# Boggabri workers celebrate Same Job Same Pay

Workers at Boggabri mine near Gunnedah have celebrated the first order in NSW for Same Job Same Pay at a series of Lodge meetings this month.

One of our members, Nathan Hall-Riley, a labour hire Operator at Boggabri mine is one of the first NSW beneficiaries of Same Job Same Pay laws which came into effect on 1 November. He is now receiving an extra \$350 a fortnight.

Nathan told the MEU that when he got involved with the campaign for Same Job Same Pay it was to benefit his family, including his fiancée Brooke, three-year-old daughter Rhenn and two-year-old son Ryder.

Under the Fair Work Commission's 'regulated labour hire arrangement order', nearly 50 other labour hire workers like Nathan employed by One Key now have their pay lifted to match rates under the Boggabri Enterprise Agreement covering direct employees.

In general, One Key employees received up to \$15,000 less than Boggabri employees a year and the order closes the pay gap. The pay gap was even bigger for workers on Boggabri's lower-paid 'New to Industry' program.

MEU Northern Mining and NSW Energy District Vice-President Mick Taggart said that members wanted to come together to celebrate being the first mine in NSW to win a Same Job Same Pay order.

"Members are extremely proud to be the first pit in NSW to win Same Job Same Pay.

"We have a strong Lodge in place at the site and a culture of members and delegates asking their workmates to come on board and join the union.

"Winning Same Job Same Pay reflects the unity Boggabri members have built at their worksite.

Mick also said that a significant outcome was the Fair Work Commission determining that 'New to Industry' workers would also be covered by the



## Same Job Same Pay order.

While there are exemptions for trainees and apprentices under Same Job Same Pay laws, 'New to Industry' workers at Boggabri were paid less but were performing the same work as other employees and not part of a trainee program.

"Some of the biggest winners from the order are our New to Industry members who were initially on a much lower rate of pay. The order showed that they were performing the same work and should be paid accordingly which was significant."

Travis Herbert, a dump truck driver at Boggabri on the 'New to Industry' program is now receiving over an extra \$1,000 a fortnight under Same Job Same Pay.

At the Lodge meetings this month, Boggabri members also moved a motion to create a petition calling on Idemitsu to follow in the footsteps of other NSW mines and put the affected labour hire workers on as permanents. This would mean members would not only be on the same rate of pay but receive all the benefits of the host Enterprise Agreement.

There is a consistent trend of hiring more permanent employees among the biggest mine operators since the financial incentive to outsource has been removed.

The MEU has made Same Job Same Pay applications at a further 13 coal mines in NSW, which are still before the Fair Work Commission.







## Bringing the true convict story to life

Australia's convict history is one of the defining aspects of our national identity, but our popular understanding of convicts as a downtrodden criminal class obscures a dynamic and inspiring history of political agitation and collective action.

Unshackled: The True Convict Story is a new mobile exhibition which upends the prevailing narrative of an unruly-yet-apolitical convict class by revealing the power and solidarity of unfree convict workers collectively resisting the system.

Using the latest data-mapping technologies, Unshackled shows that from the earliest days of settlement Australia's first work force resisted exploitation through inventive solidarity in the face of maximum coercion and disempowerment. It reveals that approximately 4.5 billion hours of labour were stolen from the convict workforce between 1788 and 1870, literally building the foundations of the country on the backs of forced labour.

However, it also explores how the 160,000 convict workers fought back through strikes, sit downs, refusals to eat, sabotage, forming proto-unions, insubordination, escaping and rebellion.

Unshackled also tracks the thousands of political prisoners who were transported to the colonies in the hopes of neutralising the threat they posed to the British social order, including early trade unionists.

These political prisoners also fought back in their place of exile, spearheading rebellions like Castle Hill in 1804, becoming union leaders, crusading journalists, even government ministers.

Most political convicts were industrial and agricultural workers protesting their impoverishment by the encroachment of private enterprise onto previously common land, lack of rights in the new, industrialised workplace and dehumanising, de-skilling mechanisation. Many of the most militant were miners, especially coal miners, and they

brought their militancy with them when transported.

The Jarrow Seven were coal miners and leaders of the United Colliers of Northumberland and Durham, an early British miners' union, who were transported to the Hunter Valley in 1832 following strike that successfully reduced their working hours from 18 to 12. They were involved in a go-slow action in 1836, when the company they worked for attempted to remove the monetary incentives for work in favour of scrip which could be redeemed in local stores.

The Jarrow Seven were an important bridge between the unfree convict coal miners in the early days of the industry in Australia, and the free immigrant miners who gradually absorbed them over the 19th century. One member of the Seven, Issac Ecclestone, is with introducing a token system for payment of skips filled, which greatly increased fairness in the mines. When he became incapable of working, Ecclestone was paid a stipend of 12 shillings a week by James Fletcher, a key figure in the formation of our Union in the Hunter Valley, suggesting that Ecclestone played some role in influencing the formation of a coal miners' union.

Political and social democracy, let alone the trade union movement, were not given freely to the Australian colonies by a caring mother country, but had to be fought for by brave, principled and persecuted men and women, first in their home countries and then again as convicts.

These protestors, reformers, radicals and revolutionaries should be honoured and remembered for sacrificing their own liberty, and sometimes their lives, for the freedoms and rights we take for granted.

Unshackled will tour Australia, including regional coal hubs, through 2025. In the meantime, hundreds of true stories, short documentaries, and other resources are available on the Conviction Politics online hub.



# MEU NATIONAL CONVENTION 2024





# **SAME JOB SAME PAY IS COMING TO APPIN**



## **WIN: Appin mine will not oppose SJSP application**

PIMS and Illawarra Coal confirmed that they will not oppose the MEU's application for Same Job Same Pay for hundreds of labour hire workers at Appin mine in the Illawarra, with an order from the Fair Work Commission expected shortly.

This means that Illawarra Coal will not fight MEU evidence that contractors are performing the same work as permanents, making them eligible for Same Job Same Pay under laws introduced by the Albanese Government.

In general, PIMS workers are paid between \$15,000 to \$20,000 less than employees at Appin mine.

The MEU's application for Appin mine covers around 240 labour hire workers for both PIMS and Nexus, with pay rises estimated at over \$4 million annually.

It is fantastic to see PIMS and Illawarra Coal accepting that the laws have changed, and labour hire workers shouldn't be paid less for doing the same job.

### **What next?**

The next step is for the Fair Work Commission (FWC) to issue a 'regulated labour hire arrangement order' which sets a Protected Rate of Pay for PIMS

employees at Appin in line with rates in the Appin Colliery Enterprise Agreement.

It is proposed that Same Job Same Pay would take effect from 27 November.

We expect the FWC to issue the order on or before this date; and pay increases for PIMS workers will take effect from this day.

The 'Protected Rate of Pay' covers all monetary amounts specified in the Enterprise Agreement; and the order places the obligation on Illawarra Coal and PIMS to ensure wages are correctly calculated and paid.

There is no further action for members to take, except check your first payslip after 27 November to ensure the new rates have been applied.

### **More applications in the pipeline**

As of November, when the laws came into effect, the MEU had made 46 applications to the Fair Work Commission for Same Job Same Pay at 24 coal mine sites nationally, worth an estimated total of \$128 million in annual pay rises. We will continue to make Same Job Same pay applications until the unfair labour hire model is stamped out.

# Remembering Gretley



This month we remembered the disaster at Gretley, one of the most devastating and consequential mining disasters in recent memory.

On 14 November 1996, four mineworkers were killed by an inrush of water at the Gretley coal mine in the Hunter Valley. The tragedy led to the first ever prosecutions over coal mining deaths in NSW.

Edward Batterham, 48; John Hunter, 36; Mark Kaiser, 30; and Damon Murray, 19; were operating a continuous miner when a tremendous force of water rushed into the heading and engulfed them. The 35-tonne continuous miner was swept almost 20 metres down the heading before being jammed against the sides.

Four other workers were underground alongside them, saved only by the fact that they were taking crib at the time of the inrush. The crib room they were in experienced flooding, with the water reaching waist-high before they were able to be evacuated.

The Gretley Mine Inquiry determined that the tragedy was caused by reliance on incorrect plans which misled the workers about their proximity to abandoned, flooded mine workings of the Young Wallsend Colliery.

The Inquiry identified serious shortcomings in the performance of the Department of Mineral Resources, which had approved the plans, the mine owner/operator and individual managers and surveyors.

In particular, the inquiry found that the mine surveyor and managers had failed to research the old workings and depict it accurately on the mine plan. It also found they failed to accurately devise a strategy to prevent an inrush, as well as failing to properly investigate reports of water in the weeks leading up to the disaster.

It recommended that prosecutions be more

frequently used as a response to mine disasters and the NSW Government responded by developing a prosecutions policy, a major step forward for the industry.

After a long legal process and union campaign for accountability over the deaths, in 2004 the Gretley mine's operator Newcastle Wallsend Coal Company and its new owner Xstrata, a mine surveyor and two mine managers were found guilty of breaching the Occupational Health and Safety Act.

Xstrata, who took on liability for the disaster when it purchased the ownership stake, elected to appeal this decision. The convictions would be upheld in late 2006, almost exactly ten years after the disaster.

General President Tony Maher said of the successful prosecutions at the time:

"(It's) a great relief for the families of the four miners who have had to endure a protracted seven-and-a-half year ordeal in their search for justice.

"It is the first time in the 200-year history of the NSW coal industry that anyone has been convicted for the loss of life despite more than 3,000 miners being killed in the state's coal mines, some in the biggest disasters in the history of mining."

The Gretley Inquiry was a precursor to the comprehensive Wran Mine Safety Review, which recommended multiple reforms and led to the establishment of the Mine Safety Advisory Council that operates today.

Following the disaster at Gretley, the Mining and Energy Union began calling for robust industrial manslaughter laws, to ensure those responsible for workers dying on the job are properly held to account. Industrial manslaughter was finally made a crime in NSW in June of this year, with every state bar Tasmania introducing their own laws.





# OUR FOUR-YEAR PRIORITIES

**GENERAL SECRETARY, GRAHAME KELLY**

Our recent National Convention endorsed policies and strategic priorities to guide our work over the next four years and build on our successful start as an independent Mining and Energy Union.

Our policies set out our broad approach to the short and long-term challenges we face. They cover topics from supporting mine approvals to work rights, global solidarity and lifting safety standards. They establish agreed national values and principles to guide our political, industrial and community activity in the years ahead.

Members can read our national policies here.

In addition, Convention endorsed a number of strategic directions aimed at building our capacity to grow and secure better workplace and political outcomes.

They include:

- Expanding our delegates training program to build our capacity for growth and member representation.
- Further developing our strategic bargaining project to strengthen negotiation outcomes, lift industry standards and prevent disputes.
- Finishing off the job of destroying the labour hire rort by using Same Job Same Pay laws to lift wages and end the unfair business model.
- Building and leveraging our political influence at all levels to win better outcomes for our members and communities.
- Maintaining unity and solidarity between Districts within our Union.
- Continuously improving how we operate to make a good union better.
- Using our National and District expertise to lift national safety standards.

Convention delegates acknowledged the important workplace reforms introduced by Labor including Same Job Same Pay, removing barriers to collective bargaining and stronger rights for delegates and endorsed a resolution to ensure these reforms are not overturned.

In addition, Convention endorsed resolutions to work with the Net Zero Economy Authority to deliver transition support for energy workers and communities; dedicate resources to supporting approvals for mining projects and extensions, take action to prevent mining deaths including suicides; acknowledge the excellent leadership of ACTU Secretary Sally McManus and President Michele O'Neill; and support our comrades in the CFMEU Manufacturing Division who are embarking on a process to withdraw from the CFMEU. We are proud to provide their members with an example of successful withdrawal.

I would like to thank all delegates to convention for their participation and all our guests, staff and partners for making it a success.

By now, you are likely to have seen videos and photos of the week showing many of the highlights including a loud and proud rally for Same Job Same Pay at the BHP AGM, an enthusiastic address from Prime Minister Albanese and workshops to share ideas and learn new skills.

For me, it was a great opportunity to catch up with members from around the country to celebrate our achievements and set an ambitious plan for our future. Now, we are looking forward to achieving the wins we will report on at our next National Convention in 2028.

There's no time to waste!