



# SYDNEY BRANCH NEWS

No. 2/2010 — 18 January 2010



## Fire at Brotherson Dock onboard 'APL Colombia'

On Tuesday, January 5, an accommodation fire broke out onboard the Hong Kong based 'APL Colombia' whilst alongside at Brotherson Dock at approximately 1:30am.



The Sydney Branch attended DP World shortly after the fire broke out to discover that members had already ceased work and fire-fighting was well underway.

On speaking with the members at the site, it became quickly apparent that the standard emergency procedures for dealing with a fire had not been implemented appropriately with a delayed call going out to have members to come down from the ship but continue work in the yard despite a proper assessment of the fire yet to be performed.

Amazingly, there had not been a full site evacuation despite the fire to call all members down from their machinery and back to meal room muster for a head count. In the absence of clear communication from management, the labour on shift made a conscious decision to pull

back due to the imminent threat caused by the accommodation fire on the 'APL Colombia'.

The fire onboard the ship took the entire ships crew, plus four NSW Fire Brigade trucks, to put it out. It was assessed that the fire had started in a crew members cabin, two decks below the navigation deck. The fire quickly passed through that deck and burnt out most of the deck and all the fittings. The decks above and below suffered some fire and smoke damage, but were mainly covered in water and soot from the fire.

After the fire was put out, the Sydney Branch acting on behalf of the ITF, went up to speak to the Captain and crew, to determine if any of the ships crew were injured. The Captain was quick to say that all crew were accounted for and no-one was injured. On double checking with the

crew, it was clear that they were not well and feeling the effects from fighting the fire. The Sydney Branch insisted with the terminal management that ambulances be called onto the wharf immediately to check the crew over. After review by the paramedics, thirteen of the crew and one of the MUA members were taken to hospital for to treat smoke inhalation and/or small burns. Fortunately, all were released later that morning after receiving various treatment. The weak actions of the Master were questionable at best as he put the operation of the ship before the safety and welfare of the crew. Had he done a proper assessment of the crew, he would have organised for ambulances immediately.

Upon the all clear been given around 4am in the morning by the NSW Fire Brigade, the management of DP World called on the MUA to cease the OH&S stoppage and return to work in the yard and the rail. This was despite the fact that the Australian Maritime Safety Authority were yet to inspect and clear the ship and DP World had yet to undertake a meaningful interim safety review of safety procedures relating to fire, which had come into question during the morning. As such, the members did not return to work until their safety was ensured by DP World management and endorsed the continuation of the OH&S stoppage at

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a combined meeting of the night shift and day shift labour at 6:30am.

Joined by a number of Site Committee members and the Sydney Branch Executive, the MUA met with management to resolve the outstanding safety issues. Rather than fixing the issues at hand which included how fire evacuation is to be handled, management instead elected to maintain the current evacuation plan and deal with any perceived deficiencies after a review, which could be some weeks. A position that was unacceptable to the members.

Following lengthy discussions and resolution of the safety concerns held by the Union, the yard at DP World finally returned to work at 1pm. After originally hinting towards wages being docked, management confirmed that no members on either the night shift or the day shift would be docked or disciplined for taking their stance.

The ITF visited the 'APL Colombia' at it's next port of call in Melbourne ensuring the crew received follow up medical checks. The ITF is further ensuring that all crew have adequate accommodation and are helping them negotiate possible compensation for loss of any personal property or effects.



DP World is currently undertaking an urgent review of the events of that day and the Sydney Branch expects that a number of recommendations will be made as a result. The Sydney Branch will keep members up to date

on any progress in future editions of the Sydney Branch News.

The Sydney Branch Executive congratulates all Members, Delegates and Site Committee Members who were on shift that day for challenging the unsafe work practices and refusing to work until all safety matters were fixed.

## FARSTAD EBA

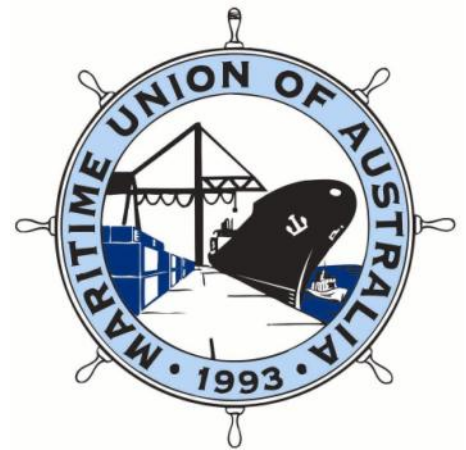
### Latest discussions and activities

To date there have been fourteen EBA meetings with Farstad shipping. Meeting number thirteen took place on the 5th January. At this meeting held in Farstads office in Melbourne, the company gave no ground what so ever. This was despite the Union negotiators withdrawing some claims in an effort to resolve the long running dispute.

Farstad it would seem had no intention at all in seeking an outcome that would satisfy both party's. In the back drop of this, the Union with the full backing of the Farstad membership, proposed further protected action being 48 hour stoppage on the 9th and 10th of January and then another 24 hour stoppage for the 12th January.

On the Friday before the action was to commence 8th January Farstad lodged an appeal to 'Fair work Australia' FWA seeking orders to have our protected action quashed demanding a three month cooling off period. The appeal by Farstad was dismissed by FWA on the grounds that the Union was bargaining in good faith.

So the 48 and 24 hour protected action stoppages went ahead as planned and it had a great impact because the members were peeved with Farstad trying to derail the negotiations. It's also worth noting that the membership have well and truly woken up to the tactics of



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Farstad trying to seek exemptions on vessels that have no grounds for dispensation.

The 13th and 14th of January saw the first of a two day session in the EBA negotiations, again held in Melbourne because Farstad point blank refused to come to Sydney to talk. These discussions took a dramatic turn, Farstad at long last started to talk seriously about working through the issues on the table abandoning their 'cry poor attitude' and it was pleasing to see that they finally realised that all their whining and crying was getting them absolutely nowhere.

There is not the slightest doubt in my mind that the latest action taken by the membership has sent a very clear message to Farstad that they're not about to be treated like garbage by their employer.

Employers such as Farstad rely heavily on the system to bully workers into submission. They perceive workers as being weak and unable to defend themselves, but the reality is that when workers stand together, the likes of Farstad and others are in fact the inferior ones.

The membership at Farstad have shown outstanding discipline and determination throughout this struggle. Farstad have tried their utmost to drive wedges between their workers but it has been met with total rejection.

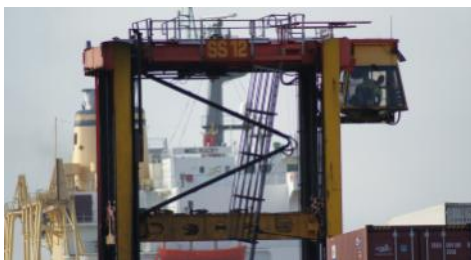
The struggle is far from over and there is still plenty of work to do, the negotiators meet Farstad again later this week, members will be updated after the next round of discussions.

There is something that needs to be said about the current position re the offshore EBA negotiations, it is plain to see that AMMA 'Australian mines & metals association, ASA 'Australian shipowners association' Farstad and all the other Offshore operators are all

about (with the help of their media mates) discrediting the union regarding the offshore negotiations in their vile efforts to destabilise the Labor government in an election year.

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## **PATRICKS** **Fair Work Australia**



It didn't take too long for the Sydney Branch to be ran up to the new Industrial Relations Commission called entirely inappropriately Fair Work Australia. The action was brought about by Patricks in relation to alleged industrial action being taken in the form of overtime bans as well one of the most disgraceful examples of opportunism seen in a while about a 'go slow'.

Patricks were seeking orders to prevent the Union from engaging in industrial action for the term of the current Enterprise Agreement. The Union made the commitment that it would put a position to the members to cease any overtime bans that were in place even though we refuted that there were any organised overtime bans, people made themselves available for overtime during the week and extensions all week. The fact that the bosses can breach the Agreement and fail to carry out any agreed outcomes and it isn't considered industrial action in the eyes of Fair Work Australia is the real joke; workers knocking back overtime on the weekend because their fed up with lies and deceit and cooperating 24/7 with a company that treats them with contempt is why we have to continue to campaign for the removal of unfair, unjust and undemocratic anti worker laws.

The second claim related to an apparent 'go slow' that the Union ordered. The only thing the Union ordered was that employees are never to work unsafe, and that order was given a hundred thousand times and will be given another hundred thousand times. The Branch and the Committee has been fighting for a better road surface as well as fixes to the operational areas for months, with only slow improvements being made.

As a result of the failure by the company to carry out agreed measures which included commitments to WorkCover the parties agreed to a one way system in the yard until the road surfacing issues had been addressed. This had an impact on the operations and productivity suffered in the short term but this will always come secondary to the lives, health and safety of the membership, something Patricks shamefully exploited to get orders made against us.

The Union didn't receive Orders after Patricks withdrew their claim in Fair Work Australia. Patricks were hit with their own orders from WorkCover on the same day they were seeking orders against us telling them to improve the yard. There are still significant issues at Patrick's that need to be addressed which are in the hands of the Committee and the Branch and the membership will be updated as issues progress.

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## **'CSL Thevenard'** **Fair Work Australia**

The Branch met with comrades sailing on the CSL Thevenard just prior to Christmas alongside at Glebe Island where reports of systematic abuses and breaches of OHS and the Agreement came to the attention of the Branch. After not being given an opportunity to board the vessel we discussed the issues with the crowd and heard about an instance where a

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young TIR was buried up to his chest in gypsum after being told to work below one out without any assistance. Luckily he wasn't buried completely and killed.



The Branch immediately contacted WorkCover to investigate the matter, the Union was appalled to hear that no call was made to WorkCover by the Captain or Company and the numerous safety breaches that were exposed. This issue was discussed along with several other issues with senior CSL management early in the new year.

There are a number of outstanding issues at CSL/ INCO that are being constantly dealt with by the Union at a Branch and National level related mostly to manning, overtime, training

and safety. Comrades are asked to please report all instances of concern to Officials responsible for the vessels. The Branch has committed to meet all vessels that sail into Sydney at every opportunity, if you are coming into Sydney give the Branch a call and we will make a time to meet.

### SVITZER LINESMEN EBA Update

Following a drop in work in Sydney and Botany both to the global financial crisis and a loss of some mooring contracts to Ausport, Svitzer had indicated their intention to cut the workforce numbers before Christmas and also hinted at an exit from lines work in Sydney and Port Botany altogether. After months of discussion with the Sydney Branch and the Delegates, the company has come back with a proposal to cut four jobs leaving 28 permanent linesmen for Svitzer to continue servicing both ports.

The current proposal and roster is being finalised with the Delegates and will mean varying the current EBA. The proposal will then be taken back to the membership for discussion and a vote.

It is expected that this process will be concluded with the fortnight and members will be updated in future Sydney Branch News.

### The Contender

#### **Garth 'From the Hood' Wood**

The Sydney Branch wishes to congratulate Garth Wood on his win in the TV show "The Contender" and his seven undefeated bouts on that show.

Garth has asked the Branch to thank his workmates for the support given to him and would also like to thank all the members for their support.

## ANNOUNCEMENTS AND EVENTS

### Stop the NT Intervention

**"Sorry means you  
won't do it again."**

**Protest:**

**Saturday, February 13, 2010**

**9 am** La Perouse point, Bunnerong Rd for the walk against racism to join the Redfern rally.

**1pm** rally at The Block, Redfern

**Speakers include:**

Irene Fisher, Sunrise Health (NT)  
Pastor Ray Minniecon  
Mal Tulloch, CFMEU  
Angeline Penrith  
Jeff McMullen

**Performers:**

The Black Turtles  
Nadeena Dixon  
Michael Donovan  
More to be announced

**Supporters include:**

NSW Aboriginal Land Council, NSW Reconciliation Council, ANTaR NSW, CFMEU, Jumbunna Indigenous House of Learning Research, Mudgin-Gal, Babana, Reconciliation for Western Sydney, Guriwal Aboriginal Corp., FBEU, MUA, Metropolitan Local Aboriginal Land Councils, Illawarra LALC, Bahtabah LALC, Narromine LALC, La Perouse LALC

### Iron Boat Day

**64 Darcy Road, Port Kembla**  
**Starting at 10am**  
**Saturday, February 13, 2010**

The Southern NSW Branch is hosting the inaugural **Iron Boat Day** with the formal ceremony taking place outside the Union Rooms. Lunch will be served at the **Kembla Leagues Club** followed by a few drinks at the local establishments including the **Steelworkers Hotel**.

Iron Boat Day is expected to be a productive day in helping to promote Australia's shipping industry and providing the opportunity for old shipmates, wharfies and port workers and their kin to meeting in a convivial atmosphere.

## MUA MONTHLY MEETING

**Last Tuesday of every month**  
**@ 9:00am**

**MUA offices**  
**365 Sussex St Sydney**

### Next Meetings

**Tuesday, January 19**  
**(As the last Tuesday is**  
**Australia Day)**

**Tuesday, February 23**

**Tuesday, March 30**

**Tuesday, April 27**