



Northern Territory Branch News

Wharves and Waves

Issue 5

February 2011

Authorised by NT Branch Secretary Andy Burford

POAGS EA TALKS BEGIN

POAGS EA Discussions have begun with the companies negotiating team led by Michael Sousa walking out of the first meeting on January 12. Delegate Cosimo Flora represented NT Branch POAGS members. The company claimed that the workers claims were not in good faith while basically in the same breath saying that it was fair for them to only offer a 2.5% pay increase (below the Australian projected pay increase of 3.01% and the Global average of 2.88%, **data that they tabled before offering the 2.5%!.**) They said that the company would trade further increases if workers give up conditions over and above some of the other things they are seeking such as orders daily including weekends, removal of any guarantee of a permanent to casual ratio, Compulsory shift extensions, 4 hour minimum shifts for all vessels, Increased flexibility on consecutive shifts, Rewriting the planned leave clauses (to make it even harder to get a day off when you want it) and changes to the order of pick. We haven't seen their local claims but how much worse can they be! When we put it on them to explain where in the Fair Work Act our claims were against the good faith bargaining principles the companies reps were stumped.

Sousa said that the workers claims would cost them \$70 million dollars and send them broke three times over. They claimed on the second day of meetings that they had been up until the early hours costing the claims though despite frequent requests over the following days they would not table the costings. Following the first two days of meetings there was a flurry of emails that between POAGS and the MUA where the company continued to claim that our claims would send them broke yet they still would not show any of their costings. They said they would not negotiate on our claims and they would not meet at the next scheduled meeting dates the following week.

Common sense prevailed and the company showed at the first day of three for round 2. Over the three days we argued about safety being backed in the EA and responded to each sides initial responses to each claim. The MUA withdrew some claims though the company then stated that our claims had risen to a cost of \$86 million. Of course, they would not back this up with any evidence.

Throughout all of the 5 days of talks, Michael Sousa has maintained that they are not negotiating. Strange. According to the Fair Work Act that is exactly what they have been doing.

The next national meetings are scheduled for 22 and 23 March. The POAGS workers are finalising their local log of claims which will be endorsed before the end of February. Our POAGS Comrades have a battle ahead of them and their struggle will be backed by fellow NT Branch members.

Unity is what will get them across the line and with their attendance at meetings and contributions to their claims the feeling is there that MUA Darwin POAGS Members strength is building when it is needed most.

PATRICK EA NEGOTIATION REPORT

Patrick EA talks have come to a halt. The company made three proposals to members at a meeting on June 5 which were unanimously rejected. The offers were for a watered down version of permanency, very much like the companies day worker loophole they tried to manipulate in 2009.

Permanent Part Time (PGE) members have been working more than 2000 hours per year. Permanents have easily been making their hours and yet for the last 3 years Patrick didn't even fill a vacant Team Leader position let alone promote a new permanent.

With this sort of treatment, something has got to

give. And the members believe it is the companies turn to give the permanent jobs they deserve.

Members are also angry at the companies claims that they need MORE flexibility. Darwin is already completely irregular. Workers do not know when they are working until 5pm each night. How much is enough.

Patrick MUA Members will need your support. They are voting on Protected Action between 10 and 24 February. **If they go out, lets have the entire NT Branch rally behind them!!**

MUA - PROTECTING DPC MEMBERS WORK

The MUA has been working to fight the encroachment of contract labour at the DPC.

The DPC have been reacting to OHS, security and Government Full Time Employee caps by engaging contractors. Worse of all, in recent times, there has been a lack of comprehensive consultation for these changes.

Organiser Thomas Mayor and affected delegates have met with senior management in an attempt to resolve these issues. The union has said to the DPC that consultation needs to be improved and a relationship of trust and cooperation needs to be re-forged.

The outcomes were:

- An agreement to review the current contract labour at the mooring basin in March.
- Training outcomes for DPC employees around OHS and Cleaning Duties.
- At the next JCC meeting in January, the DPC will openly discuss shortages in labour for each section and identify ideal numbers of full time employees. The DPC will cooperate, as far as is practicable, with the MUA to achieve an increased Full Time Employee cap.

The DPC have also flagged in writing that there will be a two fold review of work performed by its staff. The first part will be a requirement for staff to review their job description and ensure that they are

still relevant. The DPC have commented that there has not been a review for some time in some areas and there may be significant changes.

The second stage will be focused on ensuring staff are carrying out their work in an effective and efficient manner. They have referred to Clause 8.1 of the DPC EBA. We must hold them to 8.2 which is about communication, information sharing and trust between the union (the employees) and the DPC.

Members be aware, if you feel like you are not being consulted appropriately in the above process you need to contact the union. You are entitled to a support person in any case and although the DPC has assured us the process is not about reducing the total workforce, there are other issues that may arise where the MUA will be here to help you with.



SOLIDARITY

THE PORT WELFARE COMMITTEE is still looking for people interested in running the canteen in the new and improved Seaman's Welfare Centre.
Call Thomas Mayor for information 0437650221

"If people don't think they have the power to solve their problems, they won't even think about how to solve them."

Saul D. Alinsky

Learn the OHS Laws!

EMPLOYEES DUTY OF CARE

An Employee Must:

- (a) to take reasonable care for the worker's own health and safety, and for the health and safety of others, while at work; and
- (b) to follow reasonable directions given by, or on behalf of, the employer on issues related to health or safety; and
- (c) to use relevant safety equipment provided for the worker's use; and (d) to report a workplace accident to the employer as soon as practicable after it occurs.

An Employee Must Not:

- (a) intentionally or recklessly interfere with or misuse safety equipment provided by the worker's employer; or
- (b) intentionally create a risk to the health or safety of another at the worker's workplace.

EMPLOYER'S STATUTORY DUTY OF CARE

- (1) An employer has a duty (the *employer's general statutory duty of care*) to ensure, as far as reasonably practicable, that workers and others are not exposed to risks to health or safety arising from the conduct of the employer's business.
- (2) If the employer is a natural person working in the employer's own business, the employer is to be regarded as a worker to whom the general statutory duty of care is owed by the employer him/herself.
- (3) An employer carries out the general statutory duty of care by proceeding, in a systematic way, to:
 - (a) identify hazards; and
 - (b) identify, and assess the seriousness of, risks resulting from the hazards; and
 - (c) determine appropriate risk management measures:
 - (i) to eliminate, as far as reasonably practicable, avoidable risks; and
 - (ii) to minimise, as far as reasonably practicable, unavoidable risks; and
 - (d) carry the risk management measures into effect; and
 - (e) monitor and review the effectiveness of the measures.
- (4) An employer who fails to comply with the employer's general statutory duty of care is guilty of an offence.

EMPLOYER DUTY IN REGARDS TO WORKPLACE

- (1) An employer has a duty to take all reasonably practicable measures to ensure that the workplace, and the means of entering and leaving it, are safe.
- (2) The duty extends, to the extent that may be appropriate in the circumstances, to:
 - (a) an owner or occupier of the workplace; and
 - (b) a person who designs, constructs, manufactures, imports, installs or supplies a workplace or any part or component of a workplace.
- (3) An employer or other person who fails to comply with a duty under this section is guilty of an offence.

DUTIES IN REGARD TO WORKPLACE INFRASTRUCTURE, EQUIPMENT AND MATERIALS

- (1) An employer has a duty to take all reasonably practicable measures to ensure that:
 - (a) workplace infrastructure or equipment, and workplace materials, are safe; and
 - (b) workers are, where necessary, properly instructed in the use, and warned about risks involved in the use, of workplace infrastructure or equipment, and workplace materials; and
 - (c) if workplace materials are poisonous – adequate toxicological information is available.
- (2) The duty extends, to the extent that may be appropriate in the circumstances, to a person who:
 - (a) owns, designs, constructs, manufactures, imports, installs or supplies workplace infrastructure or equipment or any component of workplace infrastructure or equipment; or
 - (b) designs, manufactures, imports or supplies workplace materials.
- (3) An employer or other person who fails to comply with a duty under this section is guilty of an offence.



**PROFIT
TO
BE
MADE**

West Atlas - Revisited



Well over one year on from the nightmare disaster that was the Montara oil spill and ensuing explosion and fire, I am lucky enough to be part of the de- construction and clean up of what is left of the West Atlas oil rig.

Recently I joined the Wise Tide for Tidewater, which had just finished a charter servicing the Finnmarken cruise ship down at the Gorgon project. Our job was to service the Jascon 25 which is a large accommodation and crane barge that is being used to dismantle the West Atlas. It has room on board for up to 355 persons, and has a large 800 ton crane as well as a smaller 35 ton crane. It also has a surge compensated gangway used to connect it to the rig.

Basically the way they are going about the job is to use boilermakers and other tradesmen to chop the debris into smaller pieces which is then, pressure blasted with water to remove any excess contaminants. It is then loaded into 20 ft open top containers and the lifted onto the deck of the Jascon to be stored until such a time as we on the Wise Tide can come in and take them onto our deck.

One of the main problems is the Drill Tower. As the drill tower which was approximately 10 - 12 stories high and the fire was at the base of it became molten and actually fell onto the rest of the rig, so this is the source of most of the debris. The men working the rig are using all sorts of equipment, including cherry pickers excavators bobcats etc, to achieve the end goal of clearing enough debris to be able to access the machinery to Jack the rig down. Thus enabling the rig to be towed elsewhere to be dismantled. Some of this machinery has been damaged by the fire so that needs to be replaced as well.

All in all this is quite an exciting project to be working on. At first I was concerned about the environmental impact that would result from this operation, but so far I have been very impressed at the high level of care taken. Even the water used to spray the pieces of scrap metal clean of contaminants is collected and put into large tanks for us to take to shore to be disposed of properly. One of the reasons for this is PTTEP must be seen to be doing the right thing to clean up their mess otherwise they would probably not get a look in for any more drilling here in Australia.

Also the workers involved in this project have been awarded some of the best pay rates ever seen in this country. This is due to the specialised, unique and also potentially dangerous nature of this operation. The MUA has a large contingent on site with two crewed vessels, the Wise Tide, and Sam S Allgood servicing the Jascon ,also there are members working on the barge as well. The work can be challenging and difficult, if you can imagine hooking and unhooking loads from an 800 ton crane, with a hook and headache ball bigger than me, whilst the barge is rolling and our vessel is rolling then you can begin to grasp the fun and games that can be involved in this task.

The job is supposed to take 90 days from start to finish, but often in these large operations they can go over time. We were about halfway through that time last time I paid off and I am due back on again soon, so I will be interested to see how much progress has been made.

Rowan Hayward

DPC EA TALKS BEGIN

DPC EA Negotiations have kicked off with a logistical meeting with the OCPE (Government Employer). DPC MUA Representatives made it clear to the OCPE that we would not be making claims without the information required to make those claims as informed as possible.

Without information about the Landside Review we knew that all claims and discussions around those claims could be derailed to the disadvantage of DPC Members.

The OCPE has now formally responded to our position by saying that the Review cannot be released until the Minister has approved it though they

could guarantee that if we put claims on the table they would be accepted only as a draft and new claims could be accepted once the review is released.

The DPC Members have formed a strong committee for the negotiations with a representative from every section with the exception of the Administration Workers (Though they will be amply represented by their comrades from other sections).

There are a number of very important issues that need addressing in the EA and the DPC Members will need support from fellow MUA members in the coming months of negotiations.

BAKER WHO'GS?

After two years of attempted negotiations Baker Hughes have finally come back to the table with a serious attitude to resolving a collective agreement with their employees.

Workers had one outstanding issue in October of 2010, the salaries. Baker Hughes would not move from the terribly low base rates they had paid many of their employees with absolutely no pay increase for years.

This huge international oil and gas giant had a policy of no annual wage increases unless they felt

particularly kindly and you can ask the workers how often that happened. In most cases years went by without a single wage increase. It was no wonder that they united to say enough is enough.

MUA members from the wharves and sea told Baker Hughes Management that the treatment of their employees was not acceptable. And the voice of united workers have brought Baker back and they are considering the workers demands.

The Union Movement will continue to support these workers until they get an outcome.

NT Branch Organiser Thomas Mayor recently visited the Saipem 10000 which was recently just outside of Darwin Harbour.

The visit was in support of MUA members who had a number of issues aboard the Italian owned vessel which is now working off the WA Coast.

New vessels to the Australian Coast always have issues that our members need to deal with due to lower standards of living and safety that are accepted overseas.



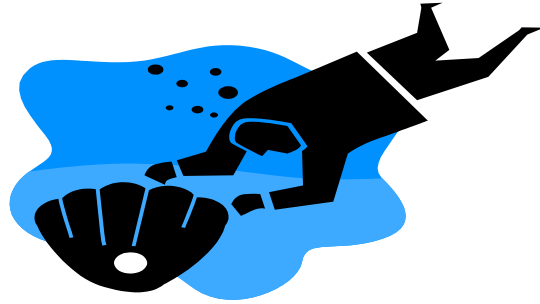
WELCOME ARAFURA PEARLS

A Large Majority of Arafura Pearls Workers are joining the MUA.

Pearling workers have faced low pay and conditions for many years and they are deciding to join the MUA to change this trend. The NT Branch has put the company on notice that the MUA is here to negotiate a better deal for our members.

The Pearl Farm workers are to be admired, they are joining in droves and building their strength in a company and industry that has no union collective agreements anywhere. No easy task. The MUA will be putting the resources required to ensure that those workers will be protected. They

have taken the first steps to protect themselves by joining together so no one can be singled out. The Branch will keep you all updated of our new comrades progress towards better pay and conditions in coming newsletters.



DMS UNITE

The MUA is kicking off a campaign Nationally to negotiate an outcome for DMS Workers after two years of going nowhere.

The National Executive of the MUA have met to discuss the logistics and resources needed to make it happen. Thomas Mayor (NT Branch), Matthew Elliott (WA Branch) and Joe Deakin (Sydney Branch) will be working on the national campaign with Bernie Farrelly (National Office) coordinating.

DMS is a company that was set up in the Howard era. The company took full advantage of the anti

worker legislation to the detriment of their workforce. To this day, DMS workers are not paid for their overtime, instead having to deal with a non voluntary Time In Lieu penalty system. It will be satisfying for the DMS Workers and the union movement to see the issues addressed with improvements in conditions of employment in the DMS agreement.

It will take unity, effort from MUA Officials, and support from MUA comrades in branches around Australia to be successful. **DMS Workers, join us and reap the rewards!!**

Incident after Incident, the safety of our wharfies is constantly at risk.

In the month of February we have seen two major crane failures and one falling accident on poorly maintained Flags of Convenience Ships. While the MUA fights federally to convince bureaucrats and employers to strengthen regulators and support new stevedoring specific laws and licensing, lives are lost, workers are severely hurt and the high risk continues.

The NT Labor Government has come out in support of the MUA's push for better safety on the

NTG Supports MUA Safety

wharves and at the port. Minister

Gerry McCarthy personally called Branch Organiser Thomas Mayor to discuss what needs to be done. The Minister also committed to a consultative approach to any changes at the port through the recent Land Side Review.

In the media, Organiser Thomas Mayor said that "the employers have had their chance. They have shown that they are incapable of providing a safe workplace". We need stronger laws to force companies to adhere to their obligations. The current ticking the box on a piece of paper is not good enough and **We Need Change.**

CYCLONE DELAYS PERKINS EA TALKS

Cyclone Carlos has delayed Perkins EA talks until March 8.

Perkins IR Consultant Alex Saundry has produced a draft though there are a number of issues that remain unresolved. Members have said that these issues need to be addressed and delegates are preparing for protected action if we cannot resolve them this time around.

Bottled water being separate from the food budget, a steward for the Kimberley Queen, travel arrangements, salaries that reflect the immense amount of hours that are being worked, right of entry for union officials and annual salary increases are big

issues that need to be addressed. Workers do not want to face another EA term without them resolved and the MUA will back them all the way.

The next Workshop EA meeting is on Wednesday 2 March and as in the shipping sector, the workers have rejected the companies latest position. The company has not agreed to claims such as hourly rates being boosted to catch up to tradesman wages across industry, increasing the number of permanent employees, controlling the number of work that is contracted out and putting scrap metal money towards a charity. **The claims are fair and the Perkins workers have worked out the only way to get them is with unity.**

NT YOUTH CONFERENCE, MAY 2011

The Branch is planning a day for the youth of the MUA in the NT.

Branch Organiser Thomas Mayor would like to hear from young members in the NT who are interested in forming a committee to help organise the day. We will be seeking sponsorship and speakers for the event that will likely be on a Saturday in May.

If you are keen to be a part of organising this inaugural event, or, if you have ideas or suggestions, call Thomas on 0437 650 221.

