

Resolution: Svitzer Towage

Background:

Various militant employers are seeking s225 terminations of their Enterprise Agreements as either a bargaining tool or because bargaining has failed to deliver their desired outcomes. This includes transport companies such as Qantas, manufacturers such as Tuftmaster and logistics companies such as Patrick Terminals.

Likewise, SVITZER Australia, a wholly-owned subsidiary of global maritime behemoth AP Moller Maersk, has sought to avoid signing a new Enterprise Agreement with its 600-strong Australian tugboat workforce since December 2019 when the lapsed *Svitzer Australia Pty Limited National Towage Enterprise Agreement 2016* was due for renewal. Despite various attempts by the three unions which represent tugboat workers to resolve the impasse through negotiation, SVITZER's management has doggedly worked in bad faith to avoid achieving a negotiated outcome.

The application by SVITZER's management to terminate their Agreement and return their tugboat workforce to the *Marine Towage Award 2020* would deliver pay cuts of up to 50% while sabotaging SVITZER's capacity to operate the 24/7 shifts upon which its clients (shipping companies) are dependent.

In this sense, not only is the position adopted by SVITZER management an attack on its workforce, it is also a grossly reckless attack on Australia's supply chain security that would exacerbate the existing delays and congestion at Australian ports that have become commonplace during the COVID-19 pandemic. This also occurs at a time when SVITZER workers are the subject of public praise and appreciation for their contribution to the heroic rescue of 21 seafarers aboard the *Portland Bay*, which nearly ran aground during wild weather in Sydney earlier in July.

Despite this employer militancy, the three maritime unions (Maritime Union of Australia (MUA), Australian Institute of Marine and Power Engineers (AIMPE) and the Australian Maritime Officers Union (AMOU)) remain eager to negotiate a new, national workplace agreement with SVITZER to provide fair pay, safety at work for all Australian tugboat workers, and the long-term job security that all workers deserve.

The newly elected Albanese Federal Labor Government has publicly indicated that it plans to address this misuse by employers of the s225 provisions of the Fair Work Act through legislative reform.

Motion:

That the Australian Council of Trade Unions:

- condemns employer militancy and any refusal to bargain in a respectful or cooperative manner with representatives of the workforce,
- calls upon the global leadership of AP Moller Maersk to respect the collective bargaining process and direct the management of its SVITZER Australia subsidiary to uphold the stated Maersk Values of respect for workers and their democratic rights to collective representation,
- supports reform of the Fair Work Act to remove any provision which allows employers to threaten their workforce with an EBA cancellation as a bargaining tactic.
- congratulates the selfless efforts of tugboat workers, including SVITZER crews, who came to the rescue of 21 seafarers aboard the *Portland Bay* earlier this month, averting a humanitarian and environmental catastrophe.

Moved: Mich-Elle Myers, CFMMEU

Seconded: Mark Diamond, RTBU

Carried.