



MONTHLY INDUSTRIAL NEWSLETTER

Official MUA WA Branch Members Update

Comrades,

This report will touch on what's been happening in the WA Branch this past month.

In this newsletter:

- COVID Immunisations
- WA Resources Industry Worker (Restrictions on Access) Directions Offshore
- Offshore
- Rig Force
- Teekay
- Svitzer Towing and Lines & Launches
- DP World
- Fremantle Ports
- Southern Ports - Esperance
- Patrick Terminal
- CBH
- Albany Regional Port Committee
- LINX Fremantle
- QUBE Fremantle

COVID IMMUNISATIONS

What is the legal status of the Exposed Port Worker (Restrictions on Access) Directions?

I can advise that we have obtained legal advice from Senior Counsel on the effect of the Exposed Port Worker (Restrictions on Access) Directions issued under the Public Health Act 2016 by the WA State Government on 22 September 2021. Our legal advice is that the effect of those directions is that all employees who work at or in any Port in Western Australia will, unless granted an exemption, be required to be partially vaccinated by 15 October 2021 and fully vaccinated by 12 November 2021. This includes stevedores and Port Authority employees but also includes those seafarers that work in marine towing, pilot boats, line boats and other inshore work.

Our legal advice from Senior Counsel also indicates that there is no prospect of a successful challenge to these orders through the Courts. As such, we will not be going to the Courts to challenge these orders. We are continuing to liaise with the State Government in an effort to minimise the effect of these directions. However, you should assume these directions will not be changed and should arrange to be vaccinated by the dates set out above in order to protect your employment.

**MUA WA Branch
Annual General Meeting
Tuesday, 30th Nov 2021**

Can I get an exemption from the Directions?

Temporary exemptions may be available for a limited period of time and for limited reasons.

The information on medical exemptions indicates that medical exemptions will only be available to persons in the following limited circumstances:

- had anaphylaxis after a previous dose of a vaccine;
- had anaphylaxis after a dose of any component of a vaccine; or
- are significantly immunocompromised-for live vaccines only.

What if I have been vaccinated and I don't yet have proof of my vaccination because my details on the Australian Immunisation Register haven't been updated yet?

Anyone who has been vaccinated but does not yet have the evidence should apply for a temporary 10-day exemption attaching evidence of their appointment or a letter from their doctor. The application should be sent to the following email address:

COVIDVaccinationExemption@health.wa.gov.au

What if I suffer an adverse reaction to the vaccine and can't work or suffer a permanent injury as result of taking it?

Anyone who suffers an injury, illness as a result of taking an approved vaccine is covered by a Government funded compensation scheme which covers you for all injuries you may suffer over \$5,000.

COVID IMMUNISATIONS (CONTINUED)

Where to from here?

We are aware that a number of members are extremely unhappy about the direction from the Government and we wish you weren't being placed in this situation. However, our job is to give you the best advice we can so you can make your decisions knowing what the likely consequences will be. In this case, if you aren't by partially vaccinated by 15 October 2021 and fully vaccinated by 12 November 2021 (subject to any exemptions as discussed above) you won't be able to attend for work. You may be able to take a limited amount of paid and unpaid leave for a while depending upon your employer's attitude to you taking leave but as things currently stand, you will have to make a choice between being vaccinated and your employment

WA RESOURCES INDUSTRY WORKER (RESTRICTIONS ON ACCESS) DIRECTIONS

For those interested, below is the link to the new **Resources Industry Worker (Restrictions on Access) Directions**:

https://www.wa.gov.au/sites/default/files/2021-11/Resources_Industry_Worker_Restrictions_on_Access_Directions.pdf

Internally, our legal team has been through these Directions and it is not yet clear whether these directions apply to our offshore oil and gas seafaring membership. We are seeking further external legal advice and will be able to report further once that advice has come through.

Notwithstanding the current lack of clarity, we believe the State Government remains keen to compel all resources worker (including our seafaring membership) to get vaccinated. Even if you may not be caught by these current directions, it is likely you will eventually be caught by directions requiring you to get vaccinated. To this end, we encourage you to get vaccinated.

Finally, members that have been vaccinated should pass those details onto your employer to ensure there is no interruption to your employment.

OFFSHORE

DOF members are on course to take protected action. The Union and the company are apart on 3 issues - the Scope, the start and the end of the Agreement.

Members at the last Offshore hook-up asked the Union to collate and revise the new log of claims leading into next year's EBA negotiations. More to come on this.

The Go Offshore legal challenge has been launched and set down for November. We should know more on this later in the year.

RIG FORCE

Jack McCabe and George Gakis have met with Rig Force and have an in-principle agreement for an offshore EBA. This agreement is similar to that with the other manning agents in the offshore industry.

TEEKAY

Ocean protector

We are currently in dispute over crew having to isolate without payment. The matter is subject to nationally organised meetings through early November.

Besant & Stoker

We are about to go into dispute with the company regarding no consultation in making the first swing do a 7-week swing, leaving the second swing at home without pay because they have not been engaged. There is also issue with overcycle payments.

SVITZER TOWAGE AND LINES & LAUNCHES

The Svitzer national negotiations continue with push back from the company on many of our claims. Svitzer have put out a non-union EBA for vote and the Union is running a **VOTE NO** campaign across the country including all WA ports. There is a national 4-hour stoppage across all Svitzer WA sites next Tuesday November 9th.

The Bunbury contract has also been won by Svitzer and they have been trying to use this Port to create a new Svitzer Entity called Svitzer Growth. This document was set to cover off on all Ports across the country and undermine the national Svitzer agreement. The WA Branch has campaigned against this and will not be supporting an agreement that covers other states nor Ports that Svitzer already hold.

There also appears to be a significant underpayment at the Svitzer Lines and Launches in Kwinana which we are currently exploring further.



DP WORLD

DP World's dysfunctional management of their Fremantle operations continues. Despite record volumes in Fremantle, DP World have refused to increase the number of fulltime jobs. They need to get it through their heads that insecure employment does not equate to good productivity outcomes. Fulltime positions, increased training opportunities and proper consultation around industrial and safety issues will result in increased productivity. DP World's pre-occupation and primary focus of fucking over their workforce has exposed the shallow talent pool of management they are running within Fremantle



FREMANTLE PORT AUTHORITY

Fremantle ports have come back to the table to reconsider discussions after a significant escalation in bans on Fremantle ports involving bans on tie ups with major international shipping lines. There have been some senior discussions that have moved the position of Fremantle ports forward and allowed the removal of industrial action while we consider their new position.

There have again been loud noises of Federal Government intervention into the Fremantle ports protected action similar to the position taken by the Federal Government at Qube. Nothing like an election in the next few months to drum up anti-union hysteria.

The workforce are considering their position on the new EA in light of the changed position from the FPA and will go to a mass meeting shortly to discuss.

SOUTHERN PORTS - ESPERANCE

At the time of writing this newsletter, Jeff Cassar had booked flights to Esperance and it is expected an offer suitable for endorsement will be put to the membership to finalise the negotiating process. There's just a few last minute details to be addressed but the overall package is pretty much ready for the workforce to vote on.

PATRICK TERMINAL

Termination of EBA

Patrick applied in the last week of October to Fair Work to terminate the EBA. They have run a massive media campaign supporting their position and the union will meet them in Fair Work on Melbourne Cup Day for the first conference on this matter. There is some way to go on this issue and it represents a serious escalation in hostilities during this EBA campaign. We continue to update members with site mass meetings weekly as we move through the next few months of this legal battle.

Roster

The workforce proposed a genuine fix that addressed both the increase in owed hours not worked, as well as manning shortfalls at certain points in the roster. Patrick has rejected the majority of the proposal. It seems there is a fundamental lack of understanding amongst local management regarding the intricacies of how a roster operates which is a serious concern. The ERC is preparing its response but it's difficult to see how any genuine fix is going to be reached in this context.

Safety stand-down

The parties have met for initial conference in relation to this matter and were unable to reach any resolution. The process now involves establishing an agreed set of facts. Only Maria could keep a straight face while telling us that a mechanical engineer is the appropriate person to inspect a structural crack in a crane.

CBH

EA Negotiations

Following a workforce meeting last week, the unions (ETU, AMWU and MUA) provided a response to the company's settlement offer. CBH has requested some clarification since and has scheduled a meeting for Friday, November 12.

ALBANY REGIONAL PORT COMMITTEE

Inaugural Meeting

The first meeting of the ARPC was held on Thursday, September 30 at the new MUA office above the port authority maintenance shed and was a positive event. Representatives from most of the MUA sites in Albany attended and, apart from some pretty informal discussion related to committee business, the night proved a great opportunity for some socialising between the different areas. Meeting minutes will be circulated shortly and we're looking forward to the next meeting

LINX FREMANTLE

National negotiations continue through the IBB process for the new agreement.

After a long 11 week strike, Fremantle QUBE members went back to work and spent the last 2 weeks of October finalising the remaining clauses and drafting of the new agreement inside Fair Work. Both the delegates and members have backed in the final outcome, which establishes many new benchmarks around safety, fatigue and rostering in the Fremantle agreement.

The Agreement went out for the 7-day access period on Monday, November 1st and will be taken to a vote of the membership on Tuesday, November 9th.

Below is the voting information sheet that went out with the new Agreement providing the detail of the changes achieved in the new EBA.

MUA – QUBE FREMANTLE 2021 EBA OUTCOMES
(For distribution during EBA voting period)



DETAIL OF BARGAINING OUTCOMES SECURED IN NEW ENTERPRISE AGREEMENT

No.	EBA Outcome	Detail of EBA Outcome																														
1	14 Additional Permanent Jobs	7 additional FSE positions and 7 additional VSE positions.																														
2	Pay Increases - 5.1% upfront followed by two further 2.5% annual increases	Initial increase on registration of agreement of 5.1% and a further 2.5% on 1/07/2022 followed by another 2.5% on 1/07/2023 New Salary Rates (35 Hr week) - FSE's, and Hourly Rates (VSE/GWE/SUPP) on registration as follows: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Grade</th> <th>FSE</th> <th>FSE R&D/GEAR</th> <th>VSE/GWE</th> <th>SUPP</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>\$110,257.32</td> <td></td> <td>\$58.49</td> <td>\$69.67</td> </tr> <tr> <td>3</td> <td>\$117,310.06</td> <td>\$94,115.25</td> <td>\$62.23</td> <td>\$74.12</td> </tr> <tr> <td>4</td> <td>\$126,288.26</td> <td>\$101,800.79</td> <td>\$66.56</td> <td>\$79.81</td> </tr> <tr> <td>5</td> <td>\$129,534.82</td> <td>\$109,487.68</td> <td>\$68.27</td> <td>\$81.84</td> </tr> <tr> <td>6</td> <td>\$140,181.04</td> <td>\$121,805.93</td> <td>\$74.44</td> <td>\$88.57</td> </tr> </tbody> </table>	Grade	FSE	FSE R&D/GEAR	VSE/GWE	SUPP	2	\$110,257.32		\$58.49	\$69.67	3	\$117,310.06	\$94,115.25	\$62.23	\$74.12	4	\$126,288.26	\$101,800.79	\$66.56	\$79.81	5	\$129,534.82	\$109,487.68	\$68.27	\$81.84	6	\$140,181.04	\$121,805.93	\$74.44	\$88.57
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3	Initial 1400 Draft Orders	Agreement for initial orders to come out by 1400 or earlier where possible with changes to be made between 1400 and 1600 for "operational reasons or to meet EBA related compliance, fatigue concerns and leave requirements."																														
4	"Worked Hours" definition agreed	The definition of Worked Hours is to include all paid arrangements in the agreement such as all forms of leave, training etc. VSE and GWE now include this in their 1820 hours for all purposes of the agreement such as upgrades, overtime etc.																														
5	Consecutive Shifts – Personal Leave	The taking of Personal Leave will not break consecutive shifts worked.																														
6	Consecutive Shifts – Walk-Up-Start	A Walk-Up-Start will not break consecutive shifts worked.																														
7	Evening Shifts	An 11-hour or 12-hour Shift which ends after 0300 will be deemed a 'Night Shift' for the purposes of Consecutive Shifts.																														
8	Last rostered shift to finish at 2300 prior to PTO or any other leave	Employees cannot be allocated to work past 2300 on the day prior to the taking of any form of leave.																														
9	25% of FSE's taking leave	Up to 25% of FSE's and PFSE's can take leave at any one time.																														
10	Additional 10 PTO days for VSE's	10 extra PTO days for VSE's when they hit 1300 hours.																														
11	Economic Data	Additional detailed Economic Data will be provided to ERC members to assist with 'positive' and 'negative' circumstances claims.																														
12	HSR/ERC Committees	5 HSR and 5 ERC Employee Reps to Attend Safety Committee and ERC Meetings.																														
13	Training Matrix to be Available to Employees	Training Matrix to be provided to ERC Reps at each ERC meeting for the purposes of reviewing training needs and practices.																														
14	Swab Testing approved for D & A testing	Swab Testing is now agreed and accepted as part of the QUBE D&A testing regime in addition to Urine testing.																														
15	Gifting of Personal Leave	Employees will be able to gift additional Personal Leave provided they maintain a minimum balance of 10 days Personal Leave.																														
16	Public Holiday's and Closed Port Days	Public Holiday's will be the actual day and not the day gazetted by the WA Government.																														
17	Fatigue Management based on 'Operational Requirements' Removed.	This clause has been removed.																														

This month, the Union is holding its AGMs around the country.
All available members are encouraged to attend.

The **WA Branch AGM** will be held on:

Tuesday, 30th November 2021 - 9am
at EAST FREMANTLE FOOTBALL CLUB
(Moss Street, East Fremantle)

THE MARITIME UNION OF AUSTRALIA DIVISION
A Division of the Construction, Forestry, Maritime, Mining and Energy Union

**NOTICE TO ALL MEMBERS of the
WESTERN AUSTRALIA DIVISIONAL BRANCH**

ANNUAL GENERAL MEETING and SPECIAL MEETING OF MEMBERS
WESTERN AUSTRALIA DIVISIONAL BRANCH

Special Meeting of Members and Annual General Meeting to be held:

Tuesday, 30th November 2021
At 9:00am

East Fremantle Football Club
Moss Street, East Fremantle WA

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

The Annual General Meeting of Members of the Division is being held to consider:

- (i) *The General Yearly Report of the Divisional National Council;*
- (ii) *The Annual Financial Statement of the Division;*
- (iii) *Motions by members notice of which have been given in writing to the Divisional National Secretary by close of business **11 November 2021***

All available members are required to attend and remain for the entirety of the meetings.

In Unity,



Will Tracey
WA DIVISIONAL BRANCH SECRETARY

Any queries should be directed to muawa@mua.org.au

*The MUA WA Branch would like to formally acknowledge and thank our AGM Platinum Sponsors
Protect and Slater & Gordon Lawyers*

