



15 NOVEMBER 2021

OFFSHORE UPDATE

M U A W A B R A N C H

Comrades,

Again, there is plenty going on, please take the time to read through this update at your on-board meetings and in your spare time.

OFFSHORE EBA CAMPAIGN

DOF Membership Back in Protected Action

We have been negotiating with DOF for many months now and arrived at the point whereby the membership supported us heading to a protected action ballot. The ballot was voted up with 95% of the membership voting YES to pursue their claims.

A few days after the ballot results, we once again met with DOF management to try and reach an Agreement with them. Unfortunately, the company pushed back on several claims and has introduced new claims through some of their proposed wording.

Following this bargaining meeting, the Union met with the DOF membership to relay the bargaining progress and to discuss our options. As a result of DOFs inability to negotiate a suitable EBA, our members clear position was to take action.

We have notified DOF that we intend to take protected action for a period of 4 hours next Saturday at midday WST (1330 NT, 1500 EST).

Important Members Meeting - to set Direction of next EBA Campaign

We have called for another meeting of our Offshore members to take place at 1pm WST (4pm EST), on 10 December, 2021.

This meeting is to provide you all with an update of where the Agreements are at and most importantly, to begin working through the 2022 Offshore EBA Log of Claims. In preparation for this meeting, all members are encouraged to read through the Log of Claims as they stand. They can be viewed by clicking on the link below:

<https://www.mua.org.au/sites/mua.org.au/files/WA%20Branch/OFFSHORE%20LOC%202022.pdf>

We will be seeking to highlight which claims will be our primary focus and wanting endorsement from the membership to progress following that meeting.

For those members able to attend, they should attend in person at the WA branch, or members on board vessels or outside of WA can join the Zoom Meeting using this link:

<https://us02web.zoom.us/j/85255332230?pwd=SEo3TXRJdGZGR2w3THpleWh0Mnpndz09>

Meeting ID: 85255332230
Passcode: 866104

MANDATORY VACCINATIONS

We have been doing the best we can to ensure that our members are fully updated regarding this subject. As we reported to our members last week, our MUA Lawyers, identified that the WA Government's directions had failed to properly catch seafarers within the scope of the directions.

Since then, the WA Government has issued new Directions that now encompass the seagoing membership. Those new Directions can be found here:

https://www.wa.gov.au/sites/default/files/2021-11/211112_Resources_Industry_Worker_Restrictions_on_Access_Directions_No_2.pdf

What is the legal status of the Resources Industry Worker (Restrictions on Access) Directions (No 2)?

Our legal advice is that the effect of these directions is that all employees who work on any oil and gas vessel within WA coastal waters will be required to be partially vaccinated by 1 December 2021 and fully vaccinated by 1 January 2022. Any worker not vaccinated will be prevented from entering a rural or remote airport or a State Port for the purpose of undertaking a journey to or from a vessel.

Our legal advice from Senior Counsel 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 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 to protect your employment.

Can I get an exemption from the Directions?

You can find information on obtaining temporary exemptions or medical exemptions from this link:

<https://www.wa.gov.au/government/publications/resources-industry-worker-restrictions-access-directions-no-2>

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

Any employee who seeks a medical exemption to these guidelines should speak to their doctor about obtaining a medical exemption. Further information about obtaining medical exemptions can be found here:

<https://www.servicesaustralia.gov.au/individuals/services/medicare/australian-immunisation-register/what-register/immunisation-medical-exemptions>

Where to from here?

Some members are 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 1 December 2021 and fully vaccinated by 1 January 2022 (subject to any exemptions) 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.

We will keep you updated on any further developments

COVID-19

WA BORDERS & SHORTAGE OF AUSSIE SEAFARERS

As you are aware, the WA Branch has been lobbying the state government to open its borders to interstate seafarers. We have again received a response from the government which was far from helpful.

We have further escalated this issue and it appears that we now have some interest and traction on the matter. We should know more on this sometime next week.

What we do know is that the industry representatives (AMMA) have stood idly and has failed to identify to the government that our industry is on verge of shutting down. From what we are being told, none of the Employers or Employer reps has told government authorities that our industry is facing a labor crisis due to the state borders.

Meanwhile the mining FIFO workers are allowed entry – go figure.

Even if the borders did open, we may still require more seafarers given all the work that's on the horizon.

We have been saying this for months now and we are aware, that several east coast members that temporarily relocated to WA, are heading back to their respected states. When these members head back to their states, they won't be let back into WA under the current regime.

OSH(MI)/ OHS UPDATE

The Union has been lobbying AMSA with a set of objectives to better the OHS standards in the Seagoing industry. The ultimate goals include:

1. Ensuring every vessel under the OHS(MI) Act has elected and trained HSRs.
2. Locking in a time frame for the Employer to provide the training to those elected HSR representatives.

3. Ensuring that AMSA inspectors consult with HSRs on every vessel inspection and involving HSRs as part of inspections of workplace OHS matters.

4. Ensuring that the Seacare Authority gets information on the outcomes of HSR courses and evaluations.

5. More frequently run and accessible OHS(MI) courses.

6. Ensuring that AMSA, Employers and Employees understand which applicable safety authority applies to international flag vessels with Australian crew, and how HSRs should deal with matters that arise while the vessel is alongside a wharf (where the state WHS Act may apply) and within 500m of a platform (where the OPGGS Act may apply).

The Union has met with AMSA to begin discussing these matters directly. Most of which were either dismissed or answered in such a way to say, "it's not their problem".

We are now looking at what other options we have but we need some accurate mapping done.

If delegates or HSRs on board every vessel in the Oil and Gas industry could respond via email to muawa@mua.org.au - Answering the following questions:

- What vessel are you on?
- Is there an elected HSR on board?
- Are they an MUA Member? If so, who is it?
- Have they been trained under the OHS(MI) Act?
- When was the training completed?

This subject will be raised and discussed at the upcoming Annual General Meetings at each of the respected branches. There will be further opportunity for members to include more commentary and feedback in this space.



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