



Offshore Update – 22nd August 2020

Comrades

More border closure updates, your EBA and AMSA revalidation. All offshore members are encouraged to read through this email for an understanding of the current events in your industry.

OFFSHORE EBA Update

Following the Offshore Commission held in June, those members in attendance endorsed the Union to approach the first employers that have their agreements expiring with a position of a small bump in wages and addressing some of the ongoing EBA claims.

As reported in the last update, we presented Atlas, OSM and AOS with 16 claims over a 15 month term to get them to align their expiration dates with the rest of the industry. The claims put forward were measured and more than reasonable given that the associated costs were minimal, to ensure that these operators remain competitive.

It appears that they have once again taken the direction of AMMA as the operators have outright rejected 12 of the 16 claims. Furthermore the other 4 claims, were only partly accepted – they asked us to go to a longer EBA (22 months instead of 15) and they reduced our offer of a 1.5% wage increase to 1% across almost 2 years. We gave them an opportunity to fix this, and they have rejected our offer.

As a result we have now withdrawn our offer of the 16 claims and are now seeking to work through with each of these key manning agents individually in the manner we normally do. We have written to each of the employers requesting to begin negotiating a new agreement and are waiting to hear back from each of them.

Our members across these operators need to begin getting ready in all ways possible. It seems that these negotiations may end up heading to a dispute and members at each of the 3 manning companies in particular need to prepare for that likely outcome.

One of our KEY claims for our EBA

Over the years we have had some Employers suggest that the EBA does not apply in various situations. Behind the scenes, the Union has mostly been successful in pushing back against the employers, but as of late they are deciding to challenge this. We haven't had the matter arbitrated in the past because by and large we have been able to resolve the matter and so have tried to avoid the uncertainty an arbitrated outcome produces.

The time has come to challenge those few Employers who are now pushing this line and if we win, we will be seeking backpay for those members that worked for dead days where we say the EBA should have actually applied.

GO Offshore were the first of the operators to have commenced this attack on the EBA a number of years ago. Since then companies such as AOS, Solstad, OSM, ATLAS and Others have tried to run the same line. We have been successful in fending them off. In recent times Swire, GO Offshore and now MMA are running this line.

If you have been or end up in a similar position with **any** operator then members should get in touch with their officials.

AMSA Revalidation Extensions

As you know due to travel restrictions it may be impossible for some seafarers to attend TAFE or colleges to have their certification revalidated. The National office has written to AMSA requesting further extensions are granted for seafarers certificates.

The extension previously given is due to expire in October. AMSA are looking into our requests and we will advise the membership of any further updates .

Further information can be found here: <https://www.mua.org.au/news/mua-requests-amsa-extend-seafarer-certification-expiry-due-covid19>

Border Closures

We are a National Union and we have been doing our best to ensure that our members from the East Coast are allowed access into various states across the country – more so into WA.

This link takes you to a motion moved at the ACTU National Executive by our Union - <https://www.mua.org.au/news/actu-executive-resolution-covid19-wa-border-restrictions-impact-maritime-and-resource-workers>

WA border closures

We believe to have found a legal way through this hard closure and have advised some of the employers on how we think this should work. Furthermore we have also contacted the Hon. Alannah MacTiernan highlighting that the WA Police have not been granting entry to our members in accordance with the recent directions relating to Maritime Crew residing outside of Western Australia.

In the Offshore Oil and Gas industry we have approx 432 members who reside in Victoria or New South Wales and are currently working as Maritime Crew in our industry. This does not include officers, nor does it take into account other maritime crew members performing work on Tugs, Dredges, FPSO's, Offshore Platforms and on other Vessels.

Many of our members have received similar rejection notices to this:

Name:	MARITIME UNION MEMBER (Integrated Rating)
Category of application:	T3
Application status:	REJECTED
Reason for unsuccessful application:	In line with Section 5 (e)(i) of the Quarantine (Closing the Border) Amendment Directions (No 3) your G2G PASS has NOT BEEN APPROVED for entry into Western Australia. For more detailed information regarding the current travel restrictions on Victorian and New South Wales Travellers entering Western Australia, please refer to the travel advice contained within the Western Australia Government internet site at www.wa.gov.au . We appreciate the frustrations with the current border restrictions however we are currently in a State of Emergency. These measures are in place to protect the members of the Western Australian community. Due to the significant number of emails and applications to enter WA we are currently receiving, there may be a delay in our response to individual emails. NO FIFO workers from VIC or NSW will be permitted entry into WA

Whilst some of our members have been able to enter other have not. There is a massive inconsistency in our industry allowing some workers into the state whilst others are left stranded. The above rejection has been challenged by us on the basis of the section they have quoted.

We say that Maritime Crew are permitted to enter Western Australia under the "[Quarantine \(Closing The Border\) Directions Approval For Maritime Crew \(No 3\) Under Paragraph 27\(R\)](#)" because this is an approval in writing by the state emergency coordinator for the purposes of "[Paragraph 5 \(e\) \(ii\) of the Quarantine \(Closing the Border\) Directions of 5 Apr 2020 as amended by the Quarantine \(Closing the Border\) Amendment Directions \(No 3\) of 19 July 2020.](#)" This should be quoted in your G2G forms. You should also include a pdf copy of the attached Maritime Crew Direction in your application.

The paragraph of this direction provides the following:

(ii) the person is approved, or falls into a category of persons approved, in writing by me as the State Emergency Coordinator or a person authorised by me as the State Emergency Coordinator for the purpose, and:

- (A) Complies with any terms or conditions to which that approval is subject (which may include a **quarantine direction**); and*
- (B) If the person enters Western Australia by disembarking from an **Affected Aircraft**, the person disembarks from the affected aircraft at Perth Airport.*

Note: the approval described in paragraph 5 (e) (ii) is required in addition to any other requirement (including any term or condition) imposed on a category of exempt traveller (other than the categories described in paragraph 27 (a) to (g)).

The Approval for the purposes of paragraph 5 (e) (ii) is the approved made by the State Emergency Coordinator in Quarantine (Quarantine (Closing The Border) Directions Approval For Maritime Crew Under Paragraph 27(r) (No 2).

When members are applying to access WA as Maritime crew, they should ensure that in the employers supporting documentation that the correct direction is mentioned in the G2G applications.

Following on from this Alannah has advised us that the WA Police have tightened the interpretation of the Directions regarding maritime crews and other industry sectors and that there has been progress regarding improved consistency in responses to G2G applications.

If members are being knocked after submitting this information in their G2G applications, they should be asking their employers to challenge this with the WA Police.

In Unity

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“Australian Democracy was built on Civil Disobedience”

Maritime Union of Australia | WA BRANCH

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