



Offshore Update – 22nd May 2020

Comrades

This report highlights some of our positive outcomes and general news from the past week.

Significant WIN as East Coast members are reinstated!

As reported in the previous offshore update, Toll Offshore turned feral and ended the employment of two of our East Coast members because they did not reside in WA. We immediately lodged unfair dismissal cases for each of these workers.

Earlier this week, we had the first workers case which resulted in a positive outcome for this member. We managed to have their employment reinstated. This is a great outcome considering they are casual employees.

The other member's unfair dismissal case is set for next week where we are expecting to have a similar result.

The Honorary Kyle McGinn speaks out on Coastal Shipping

Yesterday the MUA's own Kyle McGinn calls on the McGowan Government to:

- a. recognise that regional Western Australia has the opportunity to develop ever-closer sea freight trading links with Asia in a post COVID-19 world and focus on Western Australian employment; and
- b. support shipping initiatives and direct general shipping for ports in the Pilbara and elsewhere up the coast, including provisions for future emergency transport needs.

In other words, Kyle moved to have the WA State government begin exploring a state shipping regime. Kyle's parliamentary speech can be viewed here <https://youtu.be/jkOa31bhk5E>

Thanks again to Kyle McGinn, for once again standing up for Australian Seafarers and for standing up for Australian Jobs!

Solstad Headquarters Ends Employment with Anti-Union Boss

The Solstad HQ announced yesterday that their local Australian stand-over representative had his employment ceased with the company. We can only hope that his replacement deals with industrial relations in a manner that works for the membership at Solstad.

Whilst we wouldn't usually be happy to see the back of any worker, this bully won't be missed.

The Swine of the Industry SACK Workers for Standing Up for Safety!



A permanent and casual worker on board the Pacific Vigour raised safety issues with their company Swire, to ensure that the safety and wellbeing of their shipmates and vessel is maintained. The issue they raised was the crewing levels. Swire sought to reduce the number of workers leaving two officers, two engineers and a cook.

Our members determined that the safety of those workers was paramount and asked for the dispensation of the safe manning certificate.

The Companies response to this request was to terminate the Employees.

They advised the company the night before, that they would need to see the safe manning documentation before they could depart the vessel. They were issued with letters of termination almost immediately. Even after being terminated, our members refused to allow management to put workers in an unsafe environment and continued work on repairing the fast rescue boat.

The MLC disputes procedure is being followed and once again, AMSA has completely let down the safety and wellbeing of the crew by not getting involved. If there was a fire onboard, there wouldn't be enough persons available to fight the fire! If one of the workers went down and was injured, there wouldn't be enough personnel on board the vessel to get the other person out of danger. Lives are being put at serious risk. This company has behaved unethically.

After much debate and discussion, the crew departed the vessel and the police were waiting for them on the wharf. There was no action from the coppers, however, this shows what kind of an anti-worker company Swire is.

As expected, we will be backing in these workers 100% and will not, by any means allow the swine of the industry to treat workers with so little respect and regard. We will fight and fight hard for these members!

Casual Workers Big Win in Landmark Ruling

This week casual workers have had a massive win, as the Full Bench of the Federal court has confirmed that some "casual" workers are entitled to paid leave.

Employer groups such as AMMA are squealing like pigs about to be stuffed before a feast. They claim that this result could see casual workers being able to "double-dip" given they can now claim both annual leave and their casual loading entitlements.

The decision determined that casual workers who worked regular and predictable shifts with an advance commitment to work, were in fact not casuals regardless of how they were described in their contract of employment and therefore were entitled to paid annual, sick, and carer's leave in addition to their casual loading.

This is a significant win for many casual workers engaged in various industries and should now encourage employers to make more workers permanent.

The Employers will now be lobbying the Federal Government to overturn this decision. Every Australian worker should push back against the introduction of any laws that legalise wage theft.

We have our legal team working through this massive decision to see if and how this impacts our members in the Maritime industry. Naturally, should we be able to access this for our regular casual members, we will be starting with those Anti-Union Organisations in the first instance.

In Unity,

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