



22 SEPTEMBER 2021

OFFSHORE UPDATE

M U A W A B R A N C H

Offshore Members,

This update covers off on a whole heap. Please read through this and ensure you understand what's going on in your industry. Items covered in this update include the **Offshore EBA campaign, Significant MUA win for Casual at MMA, Progress with Border Closures**, and much more!

OFFSHORE EBA UPDATE

GO OFFSHORE

By now, you should all be aware that GO Offshore were successful in having their non-union EBA voted up. To be clear - our members were rock solid through this campaign, however, the Officers and Engineers got the better of us and we were out voted.

Last week this non-union EBA was registered by the FWC, even though we sought to oppose it. The FWC missed our F18 form which opposed the approval of the agreement. As a result, the GO Offshore Agreement was registered.

What this means for us now is that we will be appealing the making of this agreement and attempting to overturn this decision. If successful, the FWC will overturn this decision and we go back to a hearing on the application to approve this EBA.

In other words, **it's not over**.

DIRTY DOF

Dirty DOF also tried a swiftie like that of GO Offshore. Only this time, Clint Rhodes (DOF Boss) cocked up and emailed out everyone's email addresses including that of the Officers and Engineers. I want to take this opportunity to thank Clint for his support through our "NO Vote Campaign" those emails came in handy, as we delivered a resounding NO Vote.

We met with DOF last week for the first time since the No Vote.

What we got out of the meeting was that the other unions were prepared to endorse the EBA if the agreements were split into three. My discussion with the other unions both before and after that meeting, suggests otherwise. Our position to them was crystal clear:

WE WILL NOT BE SUPPORTING AN AGREEMENT THAT DOES NOT ADDRESS OUR CLAIMS!

Further to these comments, we gave them a deadline to come back to us with an agreement that we could endorse. Failing that we will be applying for a protected action ballot.



BORDER CLOSURES

There is some light at the end of the tunnel.

The NT government has suggested that it will be opening its borders to fully vaccinated persons by November. This includes people traveling in from hot spots. People from hot spots will still be required to isolate for 14 days though. In any event – if this comes to fruition it should assist our East Coast membership.

In WA, Kyle McGinn appears to be making some headway for our seafarers entering WA from the East Coast as well. We are waiting on some further meetings and discussions to take place but hope that we will have a position regarding this sometime next week. Hopefully, we can report some further positive news on this matter shortly.

MMA LSL DISPUTE

The MUA has been fighting (for about 2 years) to have casual service recognised for the purposes of Long Service Leave accruals.

MMA argued that casuals were not entitled to LSL in accordance with their EBA.

THE SIGNIFICANCE OF THIS DISPUTE MAY HAVE BROADER IMPLICATIONS ACROSS THE INDUSTRY.

Through this dispute, MMA conceded that they accept the Long Service Leave Act 1958 (WA) (LSL Act) applies to casual Employees based in WA.

The WA branch will be commencing proceedings other operators in the industry who provided undertakings on Long Service Leave to get their Enterprise Agreement over the line. If members believe that they may be eligible because they have worked with an employer for 7 or more years as a casual, then they should reach out to their official for the correct advice.

If you have had a break in service for a period of 3 or more months, then you may not qualify but it still may be worth looking into depending on the circumstances around the break in service.

MAERSK STEWARD UPDATE

The ongoing legal stoush between the MUA and Maersk continues. This company has appealed and changed their argument from the start, looking for any argument to run against the decision handed down by Deputy President Binet of the FWC.

Several weeks ago, we were in the Federal court again. This time before a Full- Bench (x3 judges). Maersk has engaged their lawyers and sought to overturn the previous 2 decisions by the FWC and that of the Federal Court (before a single judge). Once again, they ran another argument, and it may be the case that they get it up this time.

Reality is we won't know until the decision of the full bench is handed down which could be anytime from now until the end of the year.

What we do know is that this exercise has been a very costly one for Maersk. For now, it's a waiting game and once we know the outcome, we will report it to the Offshore membership.

WA BRANCH FACEBOOK PAGE

If members are on Facebook, they should jump on to the WA Branch's official page and begin following it. It's a great forum for our members to see some of the industrial issues the Branch is dealing with both in your workplace and others.

<https://www.facebook.com/muawabbranch>

Since ramping up our presence (late January), we have grown the page by over 1,000 followers. We are encouraging all members, from all departments to send us through a pic or 2 of yourself whilst you're on the job!

DELEGATES TRAINING

If members are on Facebook, they should jump on to the WA Branch's official page and begin following it. It's a great forum for our members to see some of the industrial issues the Branch is dealing with both in your workplace and others.

NO JAB... NO JOB!!

Yesterday, The West Australian Government moved to require Port workers to be 100% Vaccinated by November 12, 2021. This decision does not affect the bulk of our Seagoing membership.

The Union has never supported mandatory vaccinations. We do, however, support and encourage vaccines as an essential step to finding a way out of this pandemic. Accordingly, we support and encourage our members to make an informed choice about vaccinations and to do so in consultation with their own trusted medical professionals.

Since the arrival of COVID-19, the Union has worked tirelessly to keep our Offshore and Stevedoring industries alive. We have faced many difficulties throughout the last 18+ months but have managed to keep our members employed. Our members can take great credit for the steps taken to keep our industries working and our membership employed.

Through this pandemic, there has been a significant amount of our members at sea and across the waterfront that have opted to be vaccinated. That is their choice to make.

We are concerned that this mandate by the Chief Health Officer, only serves to drive many people towards a position of anti-vaccination. Concerned that a blunt approach such as a mandate will ultimately undermine the vaccination rollout here in WA.

We are working through exactly what the new Directions for Port workers mean as the directions say one thing, but we are being told another. We have engaged senior counsel to provide us with their views and comments on this rollout and expect to know more towards the back end of next week.

In the Offshore industry, we have been expecting Employers and their clients or the Government to announce mandatory vaccinations as well. If that does occur, we will need to get the appropriate advice at that stage.

What we do know is that some Employers have begun asking on their pre-employment forms for proof of vaccination before engaging these casual workers. The advice from our legal team suggests that Employers can ask for this information before engaging workers.

We will continue to seek the best outcome for our industry and our members and will do what we can to prevent mandatory vaccinations based on legal and health advice.

If members are concerned about getting the vaccination, they should seek medical advice from their doctor and obtain as much detail supporting any claim for exemption.

QUBE DSP AND A MASSIVE THANKS TO THE OFFSHORE MEMBERSHIP

Firstly, the support that has come in from various vessels and members across the Offshore has been amazing. Each member and vessels crew, that has donated from their rolling funds or other, members that attended their picket, or members that have sent in a solidarity message must be congratulated. The Qube Fremantle members pass on their sincere thanks for your support.

I have read out about 30 messages from various sites to the Qube members on the picket line. Each one was met with applaud others brought tears to them because of the generosity and thoughtfulness.

To be clear, they are not fighting for higher wages, these workers are fighting for a better work life balance. They simply want to be notified of their roster by 2pm the day before so they can organise their household affairs (which includes kids' day-care). At present they don't know if they are working until 4pm the day prior.

The Qube Fremantle members have been out the gate for close to 60 days straight. Because of you and the broader trade Union movement, donations have been coming in which has kept food on the table and roofs over their heads.

The support from the global trade Union movement including the ITF, IDC, MUNZ, ILWU and others has also been phenomenal.

THESE WORKERS WILL PREVAIL



**Out the Gate
As Long as
It Takes**

**SUPPORT THE
MUA QUBE FREO
WORKERS**

ACCOUNT DETAILS
QUBE DISPUTE 2021
BSB: 882 000
A/C NO: 100145032



In Unity
George Gakis | Assistant Secretary
M: 0412 310 686 | P: 08 9335 0500
E: george.gakis@mua.org.au
Maritime Union of Australia | WA BRANCH