

*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams* No. 167 – 8 February 2019

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**Branch Secretary's Report** *by Bob Carnegie*

THIS WEEK IS one in which industrial arguments and battles have been in the forefront.

Hutchison this week subcontracted out their entire week's work in retaliation for our members taking action to defend and improve their conditions. This has created hardship, particularly for our members who are casuals at the Hutchison Brisbane Terminal who compose about 65% of the workforce. Delegates and officials are currently in Sydney with our Sydney Branch comrades and Hutchison management for a scheduled 2 day meeting around the contested areas of the EBA.

Members have been protesting at Fisherman's Island and have received terrific support particularly from our membership at Patrick's.



*Hutchison and Patrick's wharfies standing side by side 8 February 2019*

The DP World negotiations were over 3 days of talks in Sydney. This is our largest terminal operator and these talks have often been long and drawn out. We have a very experienced negotiating team from all around Australia and they are working hard to get members a decent outcome. (See full report back on pages 2 and 3)

The Branch is calling on the ALP to commit to the ferries being placed back into the hands of the Brisbane City Council. The privatisation of this vital public service

has been an unmitigated disaster for those who work on them.

I met with senior RIO Tinto executives in our efforts to move forward on the employment of Australian Seafarers on their vessels. Some movement was made and we are to meet again in a few weeks.

On the 12-13 February the Branch is holding a first for the Australian Trade Union Movement in a workshop on the history of our First Nations people. For the members and delegates who are attending we hope it will be an inspiring couple of days. We thank Professor Leann Wilson and Uncle Terry O'Shane for making this possible. A full report will be forthcoming next week.

Our thoughts are with members and the entire Townsville community who have been through so much due to unprecedented flooding. The Branch of course stands at the ready should assistance be required.

You can't have a war on terrorism because that's not an actual enemy, it's an abstract. It's like having a war on dandruff. That war will be eternal and pointless. It's idiotic.

That's not a war, it's a slogan. It's a lie. It's advertising, which is the only art form we ever invented in America. And we use it to sell soap, wars and presidential candidates in the same fashion.

**GORE VIDAL**



**North Queensland Report Back**

*by Paul Gallagher - Assistant Branch Secretary*

FOR APPROXIMATELY 12 months now the Branch has been focused on organising in the Cairns diving industry. Obviously it's a grouse job but a low paid industry where they work long hours and barely earn

Award wages. Take it from me, the recreational divers and tourism boat Awards are not that great. They do not even recognise weekends and public holidays. In some areas we have found wages are below the Award as we delve deeper inside the tourism industry. Recent changes to laws making it more difficult for companies to sponsor foreign workers has potential to change the industry. As word has spread around and as workers have found themselves unfairly treated more and more divers are joining the MUA.



At 6.00pm Wednesday 30 January we held a meeting in Cairns for our diver members. It was well attended by 36 members which was a pleasant surprise given that they spend a lot of time at sea. With the signings from that meeting we have pushed the total numbers to over 50 divers in total and they are still getting in touch. The members are mainly young and many of foreign descent, so they appreciate what the union offers them especially during EBA negotiations. They love their jobs and care for their industry enough to act as a collective and together raise the bar in the industry for all divers. This is impressive for me to see them want to organise themselves however these are only early days and it is a huge industry with good and bad employers so there is a long way to go.



With the recent merger of three large dive companies, the MUA is now in EBA negotiations that cover four different dive operators. We also have members in and around other tourist vessels and ferries. Our coverage includes dive masters, dive instructors, skippers, cooks, pursers and deckhands.

While this is not our union's traditional territory in tourism, we are excited to represent these awesome people and show them what a great product we are, with a great membership support base we have with our Cairns membership, and the general protection of being a member of the great national union, the CFMMEU.

With the disastrous weather events in Far North Queensland the Branch has had to cancel our planned visits up there since our extremely wet visit last week. The ports are shut as the communities have struggled with the immense flooding around Townsville after monsoon rain has caused the dam gates to open for the first time in six years adding to the water levels and destroying homes, cars and household items.

Sadly, there was even the tragedy of two deaths adding to the chaos of what has happened in the past two weeks. Many of our members have suffered hardship and losses. Some have been caught out uninsured and many are still without power. However, community solidarity has come in to play and everyone is chipping in to help each other out during the clean up.



While some members have not fared well the spirit is up in Townsville where I've been told "*Paul these are only material things that can be replaced. We are safe and there are people out there a lot worse off let's worry about them.*" Good luck up there comrades. If there is anything the Branch can do please get in touch! We are in Townsville next on Thursday we will see you then. Our thoughts are with you all.

If you need assistance you can call employee assistance provider Hunterlink on 1800 554 654. Lifeline on 131114. The federal government has also announced financial assistance for Townsville residents through the Department of Human Services. [Click here](https://www.humanservices.gov.au/individuals/subjects/far-north-queensland-floods-february-2019) for more information and to check if you are eligible. Or go to below link:

<https://www.humanservices.gov.au/individuals/subjects/far-north-queensland-floods-february-2019>

### **DPW Embraces Corporate Thuggery to Attack Workers and Their Families**

THE MUA BARGAINING team continues to work toward an agreement for DPW workers in the face of quite incredible provocation from the company. The brutal and immoral DPW decision to remove Income



Protection (IP) from the workforce is an incredible act of disrespect and uncaring corporate muscle-flexing designed to pressure workers to accept an EBA that doesn't deal with our concerns.

During negotiations on the 4-6 February our claims were all pretty much rejected by DPW. The company then put a rollover on the table and offered a 2.6% pay rise. This would apply to both Part A and Part B of the current agreement.

### **Threats the order of the day – doing it the Dubai way?**

If we accept DPW's threatening behaviour, DPW would maintain Income Protection. The incredible bastardry of the company Income Protection decision is made worse by the fact that it actually costs DPW more to cancel our IP than it does to keep it in place. It is that crazy and bloody minded. To get rid of IP the company must give you 2% on your clause 11 rates of pay. That extra 2% on salary becomes subject to company superannuation contributions, and while not huge for an individual is an extra cost to the DPW business.

### **Keeping Income Protection benefits the Company.**

### **Keeping Income Protection benefits the Workers and our Families.**

DPW have chosen to use a social clause, a protection for our families, bargained for and agreed with the company last EBA against us now as industrial leverage. They are using our families' health and well-being as an industrial bargaining chip. Imagine the uproar if the union made a threat to the boss's family. That would be outrageous and completely unacceptable behaviour. It would and should be condemned.

### **DPW are doing this to every worker's family! It too should be condemned.**

Possibly the hypocrisy of the Compass went with Mr Scurrah who is now off playing with planes but this action is certainly not consistent with DPW's stated values. Or is it? The company is now owned by Global Network Terminal (GNT) Operator Dubai Ports World Dubai. It seems that an extra 26% shareholding for DPW has driven incredibly poor corporate standards of responsibility towards the well being of their workforce. Not exactly an entry of great eminence for the new CEO Glen Hilton either who's first action is to take the sword to his workers.

On hearing the DPW offer of rollover the MUA Part A team considered what was actually being said to us. The company was saying: we are putting a gun to your head - do as you're told or else.

Union members across the country asked the Part A committee to fix a number of outstanding issues in this agreement. There are several issues in front of the FWC, including leave accrual issues, overtime payments, drug and alcohol and company wanting to move to urine testing, payment for 8 hours instead of 7 for personal leave, contracts of employment, rostering issues, among

others, so a roll over would mean ongoing disputes but without us having any capacity under the very restricted industrial laws to fix them.

During the course of the three day meetings your Part A committee revised our log of claims and consolidated our position into an offer of settlement in preparation for a genuine negotiation. We have consistently asked for Income Protection to be carried on recognising the benefit to both parties. The company could only bother to go through about half of the union's consolidated offer before they just left and did not return on Wednesday.

### **This company is saying do it our way or no deal.**

As a consequence of this abysmally poor behaviour and display of corporate thuggery by DPW your Part A committee was left with absolutely no options but to progress this negotiation to a ballot for protected industrial action.

That application for a Protected Action ballot is being filed and we are hopeful to have a hearing on either Friday 8th or Monday 11th February to finalise proceedings and move us towards a vote on the forms of industrial action we will be allowed to take. It is vital everyone votes and votes YES to all the questions. A 100% YES ballot itself can send a strong message to the company prior to any action being taken... and action will most certainly need to be taken to focus this company's attention away from their one-eyed lust for profit and toward the well-being of their workers and their families. The bottom line is,

**WE WONT BE STOOD OVER! WE WILL FIGHT!**

### **Introducing Jo Briskey – Labor Candidate for Bonner**

JO BRISKEY IS the Labor candidate running at the upcoming election to change the Government and deliver better representation to the people of Bonner.

Bonner is the federal electorate that takes in the southern suburbs of Brisbane. From the Port of Brisbane, out to Wynnum-Manly Bayside through to Mansfield, Mt Gravatt and Rochedale with the Southeast Motorway at its edge.



Jo Briskey is a psychologist by training but has spent most of her working life in community and workplace advocacy in the union movement.

It's been the last five years in her role as the CEO of not-for-profit advocacy organisation *The Parenthood* that has spurred her on to run for federal politics.

"As the head of *The Parenthood* my job was to give a voice to parents on the issues that matter to families, especially those affected by some of the hard-hitting policy decisions of the LNP Government.

I remember taking single mum Karen down to Canberra to meet with LNP MPs so she could share her story and give the politicians a greater understanding of the devastating impact their decisions were having on her life and the lives of her kids.

I was shocked by how little they understood. They were disconnected, disengaged and quite frankly didn't seem to care. They appeared more interested in keeping their own job than actually helping people who needed it most.



*Jo Briskey standing strong with Hutchison members*

Labor was born out of the trade union movement – we know we are stronger when we stand together and look after each other. That's why we have an entirely different view of the role of government in Australia."

Jo is a unionist, as soon as she got her first job she joined her union, the Missos, now United Voice. "Union values are my values and I am sick of how this Liberal Conservative Government has continued to denigrate and attack unions, their members and working people across this country who are fighting to get a fair go.

I support the *Change the Rules* campaign and I am committed to ensuring we restore the fair go to industrial relations. I have also signed up in support of the MUA's *Save Australian Shipping* campaign. I valued the opportunity to meet with Jesse, Ben and Dave, three of the 80 Aussie sea workers sacked and replaced by exploited foreign workers by BHP, when they arrived home to Australia. Their story and how they were treated was disgraceful and it further inspired me to see an end to this Government who allows Aussie workers to be treated this way.

The last time we had a change of Government in this country was when Labor won Bonner. I'm working every day to ensure we are successful at this election. But I need your help. If you're sick of this chaotic, anti-worker, anti-union Government and you want to *change the rules* then I urge you to join your Labor Bonner campaign. Together we can help put an end to the demonisation of unions and workers and help create a fairer society that will see a better and brighter future for our kids and grandkids. **Contact Isaac Cavanagh, Bonner Campaign Manager on 0413 449 789 or [isaacav21@gmail.com](mailto:isaacav21@gmail.com)**

## BHP Given a Serve



*Queensland member Glenn Frew gives BHP a serve for its disgraceful treatment of Australian Seafarers at Brisbane Airport*

## Change in DP World Port Ownership

### DP World raises stake in DPW-Australia

DP WORLD AND Corsair Infrastructure Partners (CIP)



have separately announced that the Dubai-based port operator has acquired an

additional stake in DP World Australia (DPW-A) from the CIP-managed fund Gateway Infrastructure Investments and other financial investors. The transaction will make DP World the majority stakeholder of DPW-A and will pave the way for the Australian company to become a fully consolidated entity within the DP World Group. DPW-A, however, will not be fully owned by the Dubai-based operator as CIP-managed funds will continue to hold a "substantial minority investment" in the company.



The individual partners' exact shareholdings after the deal have not been disclosed, but DP World commented that the transaction valued DPW-A as a whole at around A\$1.4 billion (US\$997 million).

The company added that it expects its Australian branch to perform “earnings neutral” in its first full year under the revised ownership.

It is believed, though not confirmed, that the transaction was driven by the desire of Australia's Future Fund, which reportedly owned 20% of DPW-A, and Canada's Public Sector Pension Investment Board (PSP), which reportedly owned 25%, to divest their investments which they held through interests in CIP-managed funds. This gave DP World the chance to make use of its preemptive rights to buy back some of the shares currently held by existing investors and bring DPW-A under its majority control.

Both DP World and CIP said the acquisition is still subject to regulatory approval but they expect the sale to be closed in the first quarter of this year. Technically, the transaction worked as follows: The investors in the investment fund managed by CIP as well as several other financial investors entered into agreements to sell their entire stakes in DPW-A to DP World and the new investment funds managed by CIP.

DPW-A is a leading container port operator in Australia that operates container terminals at Sydney-Botany Bay, Melbourne, Brisbane and Fremantle. The four facilities have a combined design capacity of around 4.00 MTEUs and handled a volume of 3.40 MTEU, representing a 85% utilization, in 2017, the last year for which numbers are available. According to DP World, the four facilities generated over A\$560 million (US\$400 million) in revenues.

The Dubai-based port operator has been running the four Australian terminals since 2006 when it purchased P&O, a United Kingdom company that operates room-passenger ferries and marine terminals. Recently, all four terminals were beefed up with additional ship-to-shore (STS) cranes from Shanghai Zhenhua Heavy Industries Co. (ZPMC).

Sources: Press Release/Alphaliner

## Trade Union Fears Brexit Disruption

Source:

[https://www.porttechnology.org/news/report\\_trade\\_union\\_fears\\_brexit\\_disruption#.XFtcapVhVgU.email](https://www.porttechnology.org/news/report_trade_union_fears_brexit_disruption#.XFtcapVhVgU.email)

NAUTILUS INTERNATIONAL, A maritime professionals' trade union, has warned that Maersk's decision to remove its remaining vessels from the UK Ship Register will seriously impact the country's maritime sector.

In January 2019, shipping company P&O also announced that it would reflag its fleet of short sea vessels to EU member state Cyprus amidst Brexit uncertainty. In addition to reflagging its vessels, Maersk has confirmed that it will stop admitting cadets from the UK, following a decrease in demand for Junior Officers

and the implementation of a new manning structure. What are the UK's ports doing to prepare for Brexit? Find out with a Port Technology technical paper

Although the current group of cadets will have the chance to complete their training and receive a “Certificate of Competence”, the end of Maersk's training scheme creates further uncertainty for the future of seafarers in the UK.



The country's shipping industry has already witnessed a significant drop in seafarer numbers, from over 66,000 in 1977 to just 23,000 in 2018.

A statement from Nautilus has asserted that the declining number of maritime professionals and UK-flagged vessels could present an economic risk, as it would leave the UK much more dependent on other countries for vital goods and services.



Mark Dickinson, Nautilus General Secretary, said: “The news coming out of Maersk is deeply concerning for the future of the UK maritime industry, especially in light of the recent announcement from P&O and rumours that CMA-CGM is also set to leave the UK register.

“Brexit has already put UK seafarer certificates at risk and the ongoing uncertainty is forcing the hand of large businesses – it has created a perfect storm, threatening the current and future employment of UK-based workers.

“As an island nation, we rely on shipping and seafarers for 95% of everything we consume, and our workers need support to ensure they have training opportunities, decent jobs and career progression. These developments are only serving to make us more dependent on other countries.”

The Charter for Jobs campaign has been launched by Nautilus to encourage maritime organisations and the UK

government to work together in delivering decent work for UK seafarers who are employed today.

## Case to Test Employers' Right to Impose Biometric Bundy Clocks

Source: [https://www.workplaceexpress.com.au/nl06\\_news\\_selected.php?act=2&nav=11&selkey=57478&utm\\_source=daily+email&utm\\_medium=email&utm\\_campaign=subscriber+email&utm\\_content=read+more&utm\\_term=Case%20to%20test%20employers%27%20right%20to%20impose%20biometric%20bundy%20clocks](https://www.workplaceexpress.com.au/nl06_news_selected.php?act=2&nav=11&selkey=57478&utm_source=daily+email&utm_medium=email&utm_campaign=subscriber+email&utm_content=read+more&utm_term=Case%20to%20test%20employers%27%20right%20to%20impose%20biometric%20bundy%20clocks)

A FULL BENCH has allowed an employee to challenge his dismissal for refusing to use his employer's fingerprint scanning technology that monitored attendance and tracked shifts, finding the case raises "important, novel and emerging issues".

Deputy presidents Peter Sams and Val Gostencnik and Commissioner Sarah McKinnon said in yesterday's ruling that it will be the first full bench to consider "the essential question posed by [Commissioner Jennifer Hunt's] decision; namely, whether the refusal of an employee to provide their biometric data through the scanning of fingerprints for the purposes of recording a person's presence at the workplace, constitutes a valid reason for dismissal".

Commissioner Hunt upheld the dismissal on the basis that the employee failed to follow a lawful and reasonable workplace attendance policy that required the use of the fingerprint scanning as a safety measure "to record attendance on site" at Superior Wood's Imbil sawmill, near Gympie in Queensland.

She said the casual general factory hand "objected to the use of the scanners and refused to use them" because of his concerns "about the collection and storage of his personal information by the scanners and Superior Wood".

The factory hand also claimed that the attendance policy breached the federal Privacy Act. The bench said the factory hand was the only employee in the 400-strong Imbil workforce who refused to use the scanners.

It said managers held numerous meetings with the factory hand between November 2017 and February last year to discuss his concerns, "but he steadfastly maintained his refusal to use the scanners and proposed that he continue to use the 'paper sign-in' process or a swipe card system".

The bench said Superior Wood "insisted that all employees use the scanners as it would be impractical to allow one employee to be exempt from an improved safety measure, when all other employees had agreed to do so".

## Two Crew Died on Board of MOL Chip Carrier Inhaling Toxic Cargo Fumes

Source: <https://maritimebulletin.net/2019/02/01/two-crew-died-on-board-of-mol-chip-carrier-inhaling-toxic-cargo-fumes/>

TWO CREW, BOTH of Myanmar nationality, died after inhaling toxic fumes from cargo hold of a wood chip carrier GREEN WORLD, at Merak Port, Cilegon city,

Java Indonesia, Sunda Strait. The ship berthed in the morning Feb 1 with cargo of wooden chips or pulp. Deck crew opened hatch of one hold, and lost consciousness, at around 0500 LT. They died either on board or in the hospital.



Investigation launched.

## Another Wharfie Dies at Work

With great regret, we've been provided with information (see below) from friends in Italy which speaks to the death of a worker aboard a Ro-Ro Ferry while engaged in cargo operations yesterday morning.

In that accident, it seems as though the worker was struck and killed by a yard tractor moving/positioning cargo within the vessel's cargo decks while in reverse.

**la Repubblica.it**

Palermo, 18 January 2019 10:47

### WORK ACCIDENTS: MARITTIMO TRAVOLTO DIES AT THE PORT OF PALERMO

A dockworker from Ponza died this morning in the port of Palermo, struck and crushed by a mechanical means. Francesco Vitiello, 53, had no escape.

According to a first reconstruction, the worker was carrying out a loading and unloading service in the hold of the motor vessel SNAV ADRIATICO. To his colleagues he indicated the direction of the means to place the cargo and the equipment to be loaded and unloaded.

During this operation, the dockworker was hit by a tractor driven by a colleague who, in reverse, would not have noticed the presence of Vitiello.

On the incident two inquiries have been arranged, one by the shipping company and another by the port authority, while the Public Prosecutor's Office awaits the first investigative reports.

## Members at Hutchison EBA Discussions



MUA Members met Wednesday 23 January 2019 in Brisbane with Hutchison management. Some definitive progress was made.





*MUA Members met Wednesday 23 January 2019 in Brisbane with Hutchison management. Some definitive progress was made.*

## Inquest Highlights Safety Lapses at Portsmouth MMD Port Workers

Source: <https://www.bbc.com/news/uk-england-hampshire-46992190>

PROPERLY-ENFORCED SAFETY procedures would have prevented the death of a dock worker crushed by a container, an inquest jury has concluded.



Mieczyslaw 'Mitch' Siwak, 34, from Bognor Regis, was killed at Flathouse Quay, Portsmouth, in 2017. MMD Shipping Services, which operates the site, said it had introduced new safety measures since his death. A jury at Portsmouth Coroner's Court, concluded Mr Siwak's death was accidental.

Jurors were previously shown CCTV recordings of the 40ft (12m) container being moved on a specialist fork-lift truck just before the accident on 25 August 2017.

The fork-lift operator, Justin Gibbons, did not raise the container above eye level so did not see Mr Siwak in front of him, the court heard. However, the jury was told Mr Siwak, who had just started a night shift, was outside of a "safe walking zone" and had not been carrying a radio to communicate with colleagues.

Mr Gibbons said he accepted it was unsafe to drive with his view blocked but said it was common practice and had never been criticised by the company. The Health and Safety Executive (HSE) told the inquest there was a "complete lack of supervision and control on night shifts" and practices were "routinely ignored". The inquest jury concluded that supervision was insufficient and safety procedures were not properly enforced. Coroner Lincoln Brookes said he was satisfied with changes put in place since Mr Siwak's death, including

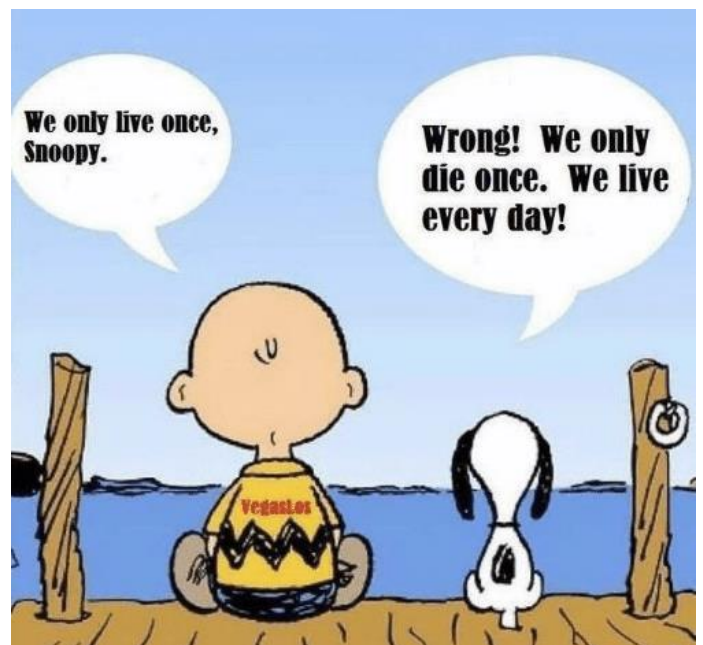


on-site CCTV cameras and new machines for stacking containers. In a statement following the inquest, MMD said:

"Safe working practices are in place for everyone's protection and we will always make sure this is our main concern."

The inquest heard Mr Siwak came to England from Poland in 2004 and had moved into a flat with his girlfriend shortly before his death. The family said they did not blame Mr Gibbons for what happened. Family members told the BBC they "respect and accept" the inquest findings and were pleased changes had been made.

## Cartoon Corner



when a child in a photo pretty much represents the thoughts of us all





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**The Banking Royal Commission** has already uncovered evidence of widespread criminality by the big banks. And the Liberal and National Parties voted more than 20 times to stop the Royal Commission.

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1. Commonwealth Bank charged dead people fees for over ten years
2. Commonwealth Bank charged millions in fees and still hasn't paid them all back
3. Commonwealth Bank is being sued for failing to comply with laws targeting money laundering for terrorist groups and drug cartels
4. Westpac refused to stop pushing people into dodgy products, saying it would put them at a commercial disadvantage
5. AMP stole fees from customers for no service, lied to the regulator, trapped people in dodgy investments and charged them up to \$25,000 per month for the privilege
6. NAB handed people cash to sign others up people to bad deals
7. ANZ and NAB manipulated the banking bills swap rate for massive profits

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Authorised by M. Dromer, National Secretary, Construction, Forestry, Maritime, Mining, Energy Union (40 Elizabeth Street, Melbourne, VIC 3000)

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**Solidarity!**

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