



QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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DP World Launch Attack on Members – Partnerships - Protesting BP – Daltug Brisbane Ferries – MUA Members Support Sacked CUB Workers

DP World Launch Attack on MUA Members

DP WORLD HAS launched another assault on MUA members at its Brisbane, Sydney, Melbourne and Fremantle Terminals.

DP World have installed cameras directly over the entrance to the locker rooms/toilets at its Brisbane Terminal.

It is another attempt to intimidate and make going to work an uncomfortable experience. Who in a modern, democratic nation such as Australia wishes to be spied on whilst going to the toilet? It is simply outrageous.

The DP World management plan is to sow seeds of division and intimidation throughout the workforce. They have spent a fortune on developing and executing this plan done under the guise of political correctness and strict adherence to company policy on all things.

Recently, at the DP World Brisbane Terminal the Branch had to deal with the now infamous 'Sausage Gate' Affair.

One of the most prominent union activists at the Terminal was subjected to months of having his job threatened for allegedly making a joke about a union person having an extra sausage at a work BBQ. We eventually defeated the attack on this fine member, at considerable financial cost as we threw the best available legal minds onto it plus members on the job were hugely supportive of one of their own.

DP World management have now decided all complaints, no matter how trivial, when they come from non-unionists will be supported by management. The company use an outside interrogation outfit to intimidate members whose connection to allegations of harassment is so tenuous it is mind boggling. However, it is very, very serious and your Branch is taking it as a very serious matter.

Make no mistake, DP World intends to create a workplace in which wharfies are spied upon and any discussion can be used against them and have their livelihoods threatened. It is simply disgusting.

The Queensland Branch is working with other Branches and National Office to battle this company and

its thought control ideology. We have just lodged papers in the FWC to begin a case against DP World and their total lack of commitment to the consultancy provisions of the EBA.

Recently DP World management have informed us that our slogan of 'Touch One Touch All!' is incompatible with the company's thought control ideology and could not be used in the workplace.

Your Branch, is totally committed to defeating DP World's intimidating management style. We will defend our members at DP World through thick and thin and we will stand by each other and we will win!

Fellow Workers, the following was sent to senior DP World Management this week. It might give you an understanding of how deeply we are committed to fighting this war on wharfies.

Dear Mr Kruse,

I am writing this as the Queensland Branch Secretary of the MUA to protest about your latest efforts in attempting to destroy the fundamental rights a worker has to go about his/ her life at work without it being microscopically examined by yourself or your underlings in DP World Management.

Since I was democratically elected to office my Branch has protested and argued over the increasing use of what, I have termed, the engagement by your terminal management in a below the radar, anti-union crusade, utilising your so called company's value system as the pillar to lean whilst it employs a type of privatised police force to interrogate workers on the most spurious of grounds.

DP World's latest attempt, done without any type of consultation to install cameras observing the traffic flow into the worker's locker room is a type of control one would have expected to be utilised in the prison system NOT in a workplace.

It is a disgraceful invasion on working and individual rights and the Queensland Branch will not rest until they are removed.

Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary

73 Southgate Avenue, Cannon Hill QLD 4170

Who actually do you think you are Mr Kruse to impose such draconian, observational imposts on a group of decent hard working people?

You have a senior management job in a company. You are not a thought control officer for the DP World Secret Service or is that a new part of your job description?

Purely from a civil liberties perspective yourself, your CEO and any other senior DP World manager who formulated this policy should hang your heads in shame.

I look forward to how DP World is going to justify to the Australian people how spying on workers going to the toilet or getting something personal from their locker is the way a transnational terminal operator should act in a nation such as Australia which has long standing democratic values.

*Regards,
Bob Carnegie
QLD Branch Secretary*

Partnerships: A Battle of Benchmarks

ACCORDING TO THE *Australian Financial Review* of April 29 2016: "It is increasingly clear the Rivtow deal has set a new benchmark for the fleet of companies local and foreign that work Australia's oceans... Pretty much everyone in the sector is studying the BHP and Shell arrangements and many are working actively to further refine them with the aim of making them even less impeachable by union challenge."

The "partnership" deal for towage at the BMA (BHP Billiton Mitsubishi Alliance) coal terminal at Hay Point, brought in to replace union labour on July 1, may be just the first of many.

The effect of the deal is that Rivtow divides its workforce into small groups (tug crews). For each group there are three legal structures: a company, a trust and a partnership. The workers on each vessel are directors of the company that contracts their services to Rivtow. Their company is the corporate trustee of the trust. The workers are beneficiaries under that trust. The workers in each group also have to make a partnership arrangement with each other. Their company, in its capacity as a trustee, then has a contract with Rivtow and a contract with the partnership. BMA contracts only with Rivtow.

The tugs are still owned by BMA and their work is with BMA coal exports. The job is exactly the same as when BMA employed the workers directly. Although the "partnership" legal structure is the same as for partners in a law firm, the content is completely different. Lawyer-partners have their own office, choose their work from a variety of clients.

In fact, the workers work for BMA doing tug work for its coal exports. The chain of artificial intermediaries - Rivtow; the companies that run the trusts; the trusts; the partnerships - is designed only to strip the workers of rights and deny them the possibility of trade-union action

to regain their rights.

The money under "partnership" deals may look good at first sight. But workers have to provide services 24/7 as BMA demands. They must pay their own super, their own indemnity insurance, their own tax. When a crew member is sick, they must find and pay for a replacement. If they are injured at work, they have no right to workers' compensation. They have no right to holidays, sick leave, long-service leave, anything.

And BMA or Rivtow can change or terminate the contracts pretty much as they wish.

Rivtow is a subsidiary of a Brisbane firm, Riverside Marine, whose owners, the Campbell family, were no.58 in the 2014 Australian Rich List, with \$207 million.

According to the Australian Institute of Marine & Power Engineers, Riverside Marine already runs "partnership" crews on the sand barges from Stradbroke Island and for bunker fuel vessels, dredges, ferries and barges. It contracts to the Australian Institute of Marine Science for crews.

Rivtow started a partnership operation in BHP Port Hedland in November 2015.

At the Gorgon LNG operation off Western Australia, eight "partnership" tug crews have been substituted for employee crews. Svitzer is the contractor.

According to lawyer Alyssa Blackham: "'Sham self-employment' is where individuals are supposedly engaged as independent contractors, but they are actually employees. Cases where employers have misrepresented employees as being independent contractors are increasingly prevalent, affecting well-known companies like Myer, Australia Post and the MCG"; but "employment law is still battling significant uncertainty regarding who is an 'employee,' and what constitutes 'employment'" (Melbourne Law School blog).

The "partnership" sham takes things a step further than the "independent contractor" sham. The union movement needs to campaign for and win legislation which will stop BMA and similar companies evading their employer responsibilities and using artificial legal constructs to de-unionise jobs.

Protesting British Petroleum

THE FOLLOWING IS the Australian Maritime Officers Union (AMOU) protest about the attack on its membership by the indiscriminate use of 457 visa holders by one of the world's largest Transnational Companies, British Petroleum, better known as BP.

This is another disgusting attack on the Australian workers right to work in their own country. We stand by the AMOU in this battle as we will stand by all working people's right to work in dignity rather than be standing in a dole queue watching ships go by.

Australian Maritime Officers Union

Great Australian Bight Exploration Drilling Program

BP Developments Australia Pty Ltd proposes to drill four oil and gas exploration wells in the Great Australian Bight.

The drilling area which is approximately 395 km west of Port Lincoln and 340 km southwest of Ceduna in South Australia has water depths ranging between 1,000 and 2,500 metres.

The project is scheduled to commence in the summer of 2016-2017, with each well taking between 45 and 170 days to drill. ¹

¹ NOPSEMA - Great Australian Bight Exploration Drilling Program

² The Senate Education and Employment References Committee A National Disgrace: The Exploitation of Temporary Work Visa Holders, March 2016, p.11

The wells will be drilled using a dynamically positioned semi-submersible mobile offshore drilling unit (MODU) – ‘*Ocean GreatWhite*’ which is owned and operated by Diamond Offshore. Diamond Offshore has one of the world’s largest offshore drilling fleets and is headquartered in Houston, Texas.

The bridge team for the ‘*Ocean GreatWhite*’ will comprise of 12 mariners (Master, Chief Mate, 2 Senior Dynamic Positioning Offices and 2 Junior Dynamic Positioning Offices).

Only 2 of these positions will be filled by Australians, the remaining deck officer positions will be filled by American and Polish workers on 457 visas.

While drilling the ‘*Ocean GreatWhite*’ will be supported by four support vessels working out of Port Adelaide.

The 457 visa program allows skilled workers to come to Australia and work for an approved business for up to four years.

A number of Government departments made a submission to a recent Senate Inquiry where they stated that the 457 visa program:

*‘...enables employers to address short to medium term workforce needs by sponsoring skilled overseas workers on a temporary basis to fill positions where suitably skilled Australian citizens or permanent residents cannot be found.’*²

It takes more than 10 years of formal training and sea-time for a seafarer to become a Qualified Master.

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At 31 March 2016 there were 25 Ships Masters and 112 Deck Officers on 457 visas in Australia (137 total).³

³ See www.data.gov.au accessed 12 May 2016

⁴ Op cit p.63

⁵ What is labour market testing?

At 31 March 2016 the AMOU was aware of at least 87 unemployed Australian Masters and Deck Officers - skilled, trained, experienced and waiting for work. Master qualifications are essential for onshore roles such as harbour masters, pilots, vessel traffic officers, maritime safety inspectors and lecturers at the maritime training facilities.

Not allowing Australian Deck Officers to work in their local industry now means into the future our nation becomes ever more reliant on foreign workers to fill vital roles in Australia’s maritime activities.

Australia's skilled migration program operates under two designated lists, one for the temporary skilled stream (Consolidated skilled Occupations List (CSOL)) and the other for the permanent skilled stream (Skilled Occupations List (SOL)).⁴ Both lists include Ships Masters and Ships Officers.

Following a decision of the Government in 2013 Ships Masters and Ships Officers are not subject to Labour Market Testing.

Labour market testing means that employers seeking to access the subclass 457 visa program must first test the local labour market to ensure that there is no suitably qualified and experienced Australian citizen or permanent resident or ‘eligible temporary visa holder’ readily available to fill that position. ⁵

To protect local Deck Officer jobs and to protect the integrity of our local maritime industry:

- The replacement of local workers by 457 visa workers should be prohibited;
- Ship’s Master and Ship’s Officer should be removed from the 457 Visa Skilled Occupations List and Consolidated Skilled Occupations List;
- Genuine labour market testing should apply to all situations where employers are seeking to engage 457 visa holders;
- If after genuine attempts by employers to find suitably qualified Australians to fill vacant Ships Master and Deck Officer positions, the AMOU should be involved in process to identify suitable candidates; and,
- Following this process if no suitable Australia Deck Officers are available foreign specialists may be engaged on a temporary basis with a stated maximum period of employment. An Australian seafarer must also be employed alongside foreign labour so that specialist skills can be passed on to local workers.

Daltug EBA

INITIAL DISCUSSIONS HAVE taken place for the replacement Enterprise Agreement with Daltug with both parties committed to a new EBA. Delegates will be nominated soon and will assist in the discussion and work with the Branch to pursue claims.

The Branch is having high level meetings with the Ports Minister as we continue to push for partnerships to be banned in Queensland. We are also raising concerns regarding employment future at Daltug and the industry at large.

Jason Miners – Deputy Branch Secretary

Brisbane Ferries

BRISBANE FERRY DELEGATES will be meeting with the new management next week to discuss concerns and issues of members. Members are urged to contact their delegates for agenda discussion items. A report will be sent to Brisbane Ferry members after the meeting.

Jason Miners – Deputy Branch Secretary

MUA Members Rally in Solidarity for Carlton United Breweries Sacked Union Workers



MUA MEMBERS JOINED other Unions to rally and show support for the sacked workers from CUB. Union members assembled outside CUB's Brisbane office in Fortitude Valley protesting the injustice of CUB's actions.

Members can show support for the sacked maintenance workers from CUB Melbourne by:

Sending a message to the company

https://www.iufcampaigns.org/campaigns/show_campaign.cgi?c=1002

Sign the petition

<https://www.megaphone.org.au/petitions/reinstated-sacked-cub-workers>

Boycotting CUB products

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