



QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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HSR Training - Never Give Up the Fight – CUB – Palm Island Strike of 1957 – Casuals and Redundancy The Night Shift: Capitalism's Silent Killer

Queensland Branch HSR Training

MUA MEMBERS PARTICIPATED in HSR Training in the Brisbane union rooms from the 15 to 19 August. The course was run by the Queensland Branch as part of our efforts to increase training and education among Queensland members with our RTO, Paul Williams, conducting the course.

Members learned about their responsibilities and powers as HSRs and the duties of employers under the Workplace Health and Safety Act and how they can consult with their local Health and Safety Inspectors to improve safety conditions within their workplaces. Members on the course possessed varying levels of experience, but all agreed that the training has opened their eyes to avenues available to address concerns on the job.



It is imperative that all members gain an understanding of their workplace health and safety rights on the job and it is equally important that members both lend support to, and seek education from, their elected safety representatives on the job.

Branch Secretary, Bob Carnegie, addressed the group on the last day of the course and reinforced the message that not only is the health and safety of members paramount to our Union, but also that Branch resources are readily available to our HSRs on the job.

Glenn Desmond – North Queensland Organiser

Strength, Unity and Solidarity, Never Give Up “The Fight”

Report by Anthony Crookall, Ausport Marine Services, Senior MUA Delegate

ON THURSDAY AUGUST 11, Paul Gallagher – Assistant Branch Secretary and I travelled to Melbourne

in order to provide support to our MUA members who perform lines and mooring operations in Victoria.

A rally was held outside of DP World, West Swanson site, Port Melbourne.

Members from all mooring companies, DP World and Victorian Branch officials were in attendance. Also in attendance, an interstate delegation of officials and delegates from Newcastle, Sydney, Port Kembla, WA and Brisbane.

DP World employees are outraged at the company approach to conduct mooring operations in-house. This, after finalizing an EBA six months ago. Members believe that the position the company has undertaken is not in accordance with the newly formed EBA and therefore is not in “good faith.” DP World members also realise that up to 250 lines member’s jobs are at risk if DP World have their way. The members have shown their solidarity by stating they have no intentions of taking another member’s job.

In saying this, the membership of Ausport Marine Services - Port of Brisbane, recognise the following... (even though we don’t undertake moorings in the terminals, as our comrades do in Sydney and Melbourne)

Our membership consists of current and ex-stevedores who have the necessary skills to complete all aspects of a stevedoring operation here in Brisbane. The membership agrees to the “hands off policy” and under no circumstance will undertake stevedoring operations that will potentially lead to another member’s position, employed as a stevedore, ceasing to exist (even if it means that we are financially disadvantaged by this).

We will not “bastardize the industry” by participating and undertaking in stevedoring operations within our national company - they have tried to capture us within an EBA to conduct stevedoring. We have taken the position with our company that under “no circumstances” will we sign off on any EBA that has stevedoring operations included and would be conducted throughout Queensland.

We believe if you open the doors, it starts with the

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

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ripple effect and ends in a flood. This would seriously diminish and undermine the strength and core of our movement by potentially reducing numbers in our strongholds. This is due to work that would have been previously undertaken by the major stevedoring companies, now been done by smaller companies. We also understand that shipping companies and their agents constantly seek out cheaper, more competitive rates and larger companies are at times at a disadvantage due to huge over-head costs. This starts the race to the bottom to see who can get the lowest at the detriment of workers.

Our aim is to unite the waterfront and keep it united. To keep shipping companies and their agents honest and keep stevedoring where it is meant to be.

A mass meeting will be held ASAP to pass a resolution stating our support and solidarity to our stevedoring brothers and sisters and in recognition of the stance our DP World comrades have taken in Sydney and Melbourne, not to undertake mooring operations at the expense of other members.

DP World - AT IT AGAIN

THE VICTORIAN MUA Branch are dealing with a number of issues that DP World has created - apart from the mooring issue. It shows the calibre of this company as they subject their female employees, at this particular site, to an invasion of privacy. The company have had surveillance cameras installed in their change rooms without consultation.

This has placed an enormous amount of stress on these employees by way of intimidation and the thought of being constantly ogled. The actions of global company, DP World, has indicated and shown they are totally unscrupulous and immoral and without regards or consideration to the employee's feelings or welfare. As a Union we will not tolerate employees being exposed to a treatment which is not only degrading but undignified and unlawful as well.

Carlton United Brewery - Sacked 55

ONCE WE COMPLETED our DP World campaign we all went on to the CUB rally in the heart of Melbourne where in a show of strength and support members from the MUA, ETU, CFMEU, AMWU, United Voice and the Plumbers Union to name a few, marched through the streets of Melbourne, led by MUA members onto Carlton United Brewery, in support of the sacked 55 CUB workers who have now been out of work for more than 9 weeks. Once we reached our destination we heard from a number of speakers and guest speakers from the Labor Party and the different Union movements, including our own Chris Cain from Western Australia who delivered a powerful and passionate speech that had employees from inside the gates come out to listen.

The CFMEU kicked in with a donation to the sacked CUB workers with a sum of \$50,000, and the MUA matched with a further \$50,000. The Sydney members

kicked in another \$12,000 and later they had a fund raiser event with all money raised going to support the 55 sacked employees and their families. All members have vowed to maintain and continue the fight until these workers, including a number of apprentices, get their jobs back.



Union Members Rally at Carlton United Breweries

Final Words

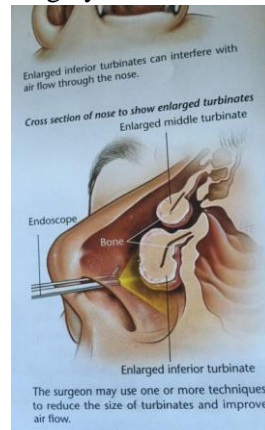
FIRSTLY, I WOULD like to take this opportunity to thank the Queensland Branch for enabling the opportunity to be able to travel to Melbourne to be involved. As well, the Victorian Branch Officials, Joe Italia, Mark Jones, Jeff Hoy and the team for their support and kind hospitality whilst Paul and I were in Melbourne. Secondly I would like to thank Chris Cain for his speeches that turned up the heat on a cold and windy, Melbourne winters day.

Finally, to all members, it is time to get pro-active, organized and to educate members and non-members about unions and unity. It is essential to our survival. Don't be just a member in name; support your delegates because across the board. Our delegates are being persecuted for putting the membership views forward to the company and for protecting our conditions and ensuring workers safety.

Anthony Crookall, Ausport Marine Services, Senior MUA Delegate

Bob Doesn't Nose About That

Branch Secretary, Bob Carnegie reports he has had surgery on his nose for enlarged turbinates resulting in him not being in the office this week. The operation was done under general anaesthetic and a diagram of the procedure is attached.



Bob apologises for missing some meetings particularly at Patricks but with a constant stream on blood from the nose it may have been off putting for both members and management. Bob intends to be back at work next week.

The Palm Island Strike of 1957

I WAS PRIVY to this gazetted holiday in the community of Palm Island on June 3 2016. It was a tremendous wake up for myself as it was the 59th anniversary of an iconic moment for Indigenous peoples of my area in Townsville, North Queensland.

In 1957, seven brave men stood together against the government official on the island and passively demanded all ill-treatment stop being implemented for all the peoples on the island.



Paddy Neliman raising a flag in honour of Mr Gordon Tapau – one of the Zenadh men

Palm Island resident Elder, Mrs Dulcie Isaro (of Torres Strait Island descent) described the moment as the first she had ever seen for Aboriginal or Torres Strait Islanders; to stand up to a government official and demand to be treated better than they had been by the overseers on the island. Mrs Isaro was a young 15 year old girl at that time in

June 1957. Mrs Isaro took us all back with her recollections of when she followed the brave men and one strong indigenous woman (she referred as her Aunty) to confront the official.

You must bear in mind it was the norm of the day that these people were not even classed as human beings and were referred as 'beings' under the Foliage & Fauna Act.



Locals and visitors on Palm Island for the commemoration

A great historic story of strength and determination of people, driven by a passion of freedom, even for a moment, actioned without fear by the support of one another COLLECTIVELY. This group's action stirred the community with the hint of hope to better living conditions for all on the island I believe. I was left with thoughts and feelings of mixed emotions when we left for Townsville as I learnt three of the seven men who stood

strong that day in the face of adversity, were Torres Strait Island men... Men of 'Zenadh'.

I was and remain extremely proud and am looking forward to next year, the 60th Anniversary of the Strike '57.

In Unity - Paddy Neliman

MUA Aboriginal and Torres Strait Islander Committee Chair and ACTU Representative

Note: Zenadh is the new name, adopted by Islanders, for the Straits. More notably as Zenadh Kes. Created by Elder, Mr. Patrick Whap, a Linguist, originally from Mabilia Island (Jarvis), in the western island groups of Zenadh (Torres Straits). Mr. Whap, I regarded as my uncle, my father's cousin, whom I was named after.

Update from Relieving Organiser – Damien McGarry

DAMIEN McGARRY, WHO was formerly the lead delegate at Hutchison's Brisbane Container Terminal, has been working as a relief organiser for the Queensland MUA. He talked to the Branch News about what he's been doing and what he has learned.

I started by going to Townsville to help Glenn Desmond, the North Queensland organiser, with organising and then I went to Hay Point for two weeks to try to deal with the move at the coal terminal by BMA (BHP Mitsubishi Alliance) and the contractors Rivtow to organise tug work there in sham "partnerships" which means no employee rights and no union representation.

Then I worked with Bob Carnegie and Paul Petersen for the July 7 International Dockworkers' Council and ITF joint day of action. I also helped to organise the August 4 day of action to support the workers at Carlton & United Breweries in Melbourne and worked on a lot of individual cases.

I'm assisting with an EBA for Queensland Bulk Handling, the coal export terminal in Brisbane. We want a 4% pay rise and they're offering 1.5%.

There is an issue at DP World, where the company is saying that for three years it did not keep accurate records of holidays taken by the maintenance workers, so extra holidays have been taken and not debited. Now they want to claw that all back. We have been to the Fair Work Commission on that, and got the issue held off until September.

At Cargolink, the interim container depot in the Port of Brisbane owned by Patrick's, I am working to make sure that all our members there stay on the same Agreement after the takeover of Patrick's by Brookfield and Qube.

I've learned about processes, in the Fair Work Commission with Enterprise Agreements for example, and meeting with State Ministers about Hay Point. I have enjoyed and learned from working with the other organisers here in the Queensland MUA.

A lot was gained by attending the MUA Maintenance Conference in Adelaide on 19-20 July, especially from

the delegates there from the US port workers' unions, the ILWU and the ILA. They have fought successfully for long shoremen to cover areas of work which here we have let go to outside contractors: refrigerated cargo maintenance, container repair and the commissioning process of new machinery on the wharf.

We should look at doing that here, and also at getting some of our wharfies to be trained to be able to transfer to maintenance work as that becomes a bigger factor with more mechanisation and automation.

Redundancy Payouts Must Count Regular Casual Service: FWC Majority

Workplace Express Tuesday August 16, 2016

EMPLOYERS CALCULATING REDUNDANCY payments will have to count periods of regular and systematic casual employment before workers became permanent, after a Fair Work Commission majority ruling that a dissenting member warns could retrospectively bestow other entitlements such as annual leave.

Senior Deputy President Lea Drake and Deputy President Jeff Lawrence yesterday upheld the AMWU's appeal against Commissioner Bernie Riordan's ruling earlier this year that Forgacs (now Donau) should not count prior contiguous service as a casual when determining redundancy payments.

The Newcastle shipbuilder earlier this year earmarked for redundancy a large proportion of its employees at its Tomago shipyard, after completing a contract with the Australian Submarine Corporation that is part of the Air Warfare Destroyer program.

When calculating redundancy payments for permanent employees, Forgacs counts prior contiguous service as casuals for long service leave but not for calculating notice or severance payments.

In February, Commissioner Riordan found this was the correct approach under clauses 21 and 23 of the Forgacs Engineering Pty Ltd Enterprise Agreement 2013 and said the 25% loading these workers received when they were casuals compensated them for notice and redundancy entitlements provided to permanent employees.

However Senior Deputy President Drake and Deputy President Lawrence yesterday found the agreement specifies that redundancy pay is calculated according to periods of continuous employment which, under s22 of the Fair Work Act "includes a period of regular and systemic casual employment".

The agreement's "detailed arrangements" for transitions from casual to permanent employment were also "consistent with an agreed delineation between a period of regular and systematic casual employment and an immediately subsequent period of permanent employment", the majority found.

It said that "Industrial justice" might suggest it is "unfair for an employee who has received a casual loading for a period of employment to have that period of employment

also count towards the accrual of severance payments". "However, the Act does not exclude a period of regular and systematic casual employment from the definition of service or continuous service for the purpose of severance payments, and neither does the agreement exclude that period of employment," Senior Deputy President Drake and Deputy President Lawrence said. The majority also noted Forgacs' argument to the contrary "is in substance a submission that the limitation should be inferred".

Counting Casual Employment as Service a "Folly": Commissioner

In his dissenting judgment, Commissioner Ian Cambridge said the majority had adopted an "erroneous approach to the interpretation of s22 which is reliant upon the absence of particular words within that section".

He said they took this approach rather than adopt "proper characterisation of the concept of 'service' in the overall statutory scheme" as would be "properly understood by the words 'a period during which the employee is employed by the employer' contained in subsection 22(1)".

Commissioner Cambridge says the meaning of "service" has significant implications for a number of minimum standards under the National Employment Standards (NES) beyond the termination and redundancy provisions under Division 11.

He warns that if "service" is "given a meaning that encompasses a period of casual employment prior to permanent employment being established", it could affect entitlements such as annual leave under s87 and paid personal/carer's leave under s96 where they are fixed for "each year of service".

He says the "practical effect" of this construction is that service-related benefits that are "unambiguously not available" to a casual employee become "retrospectively bestowed on a permanent employee for a period which would have not provided any entitlement for that benefit".

"The prospect that a casual employee who became a permanent would have her or his annual leave entitlement calculated from the date of commencement as a casual exposes the folly of the interpretation of the meaning of service in s22, to include any period of casual employment," Commissioner Cambridge says.

Ruling to Have Far-Reaching Impact: AMWU

AMWU NSW Branch Secretary Tim Ayres told *Workplace Express* the decision will directly affect more than 160 redundant Forgacs employees, but says the broader consequences will be "far-reaching".

Ayres says the "important clarification of how we treat prior casual service under the Fair Work Act" means "thousands of workers, who were long term casuals working hard in precarious employment but are now permanent, have new rights to a fair redundancy payment

if they lose their jobs".

"This decision will ensure employees aren't short-changed out of their entitlements. "Workers deserve to have all the work they've done for their employer recognised if they're unlucky enough to be made redundant, not just some of it."

AMWU v Donau Pty Ltd [2016] FWCFB 3075 (15 August 2016)

The Night Shift: Capitalism's Silent Killer

Although this article deals with night shift problems in the United States, virtually identical problems exist in Australia

Sourced from <http://www.leftvoice.org/The-night-shift-Capitalism-s-silent-killer>

Millions work night shifts to satisfy the capitalist system's around-the-clock drive for profits, which poses a serious threat to the health of night workers. Time for a fight back to reclaim the daylight and our health.

Around 15 million workers in the US do some sort of night work— either a rotating, second, (evening) or graveyard (midnight) shift. About one fifth of the working population works at least 48 hours per week and an additional 7 percent work 60 hours or more. Irregular schedules and excessive overtime have a disruptive effect

on workers' sleep habits, diet and family lives. The overall negative health effects are demonstrable. There are few protections against shift work and excessive overtime. The US Occupational Safety and Health Administration (OSHA) standard offers no specific protection against night shifts. The few protections that exist are

mainly included in union contracts. Unionization in the US is at a very low rate of 11.1 percent of the workforce, about 14.8 million workers, down from about 20 percent (more than 17 million workers) in 1983. The public sector rate of unionization is just over 35 percent and in the private sector union membership is at 6.7 percent. The protections offered by union contracts are often restricted to language governing wage rates – offering some sort of pay differential for shift work.

For those workers without union protection, the night shift may not offer any extra pay. For instance, the stocking crews at Walmart, often subcontracted through employment agencies like Manpower, Inc., will make at or just over the minimum wage.

It is difficult to get statistics on how many people work night shifts worldwide or on the conditions these workers are forced to endure. In the developed countries, 15 to 20 percent of the working population work other than a regular day shift. In Britain, more than 3 million work nights, increasingly women workers who are often in low wage home care work or in nursing. In Canada, 4.1

million workers work some form of night shift. Women are about 37 percent of full-time night workers. It is safe to say that millions work under harsh conditions, and with few protections, in sweatshops all over the globe. The burden often falls on women. In export processing zones (epz) in developing countries which are dominated by low-skill manufacturing, the workforce is about 80 percent women.

In China, for example, at a factory that produces the Apple iPhone 6, workers making \$1.85 per hour regularly work 12 hour shifts 6-7 days per week and are forced to live in filthy conditions in crowded dormitories.

"...Apple refuses to do what's necessary to ensure workers who make that success possible are treated fairly and work in safe environments... We can only conclude that Apple pursues profit maximization for itself and its shareholders no matter the lives of people making Apple products." <http://www.ibtimes.co.uk/iphone-6s-factory-investigation-reveals-apple-still-violates-human-rights-workers-1525151>

Who works nights?

Night shift, either evening (second) or graveyard (overnight), workers are in health care, manufacturing, chemical processing, construction, transport (trucking, railroads and public transit), retail, food service, and janitorial work.

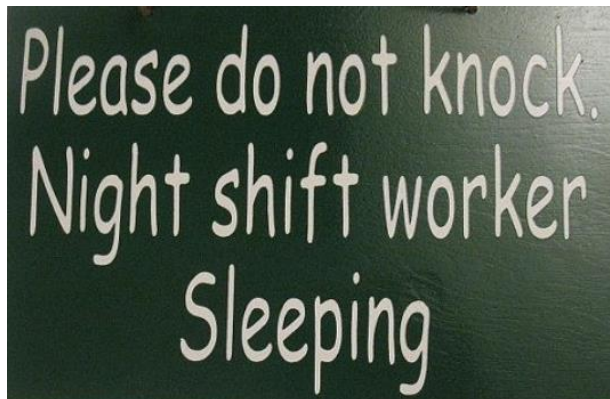
The negative health effects of night work, due to the disruption of sleep patterns and diet, can lead to depression, increased risk of cancer, heart attack, diabetes, metabolic disruption, irregular digestion, and accidents due to fatigue and

inattention. Working night shift for long periods has been shown to lower cognitive function and shorten life expectancy. According to some studies, workers who had worked about 10 years of night shift had severe loss of memory and reasoning ability; compared to day workers, their brains had aged an extra six years. About 20 percent of serious car wrecks are linked to driver fatigue. Michael Hastings, a professor at Cambridge University says, "All our organs are running to this pre-programmed genetic pattern to make them do certain things at one time of day and different things at another." Studies have shown that most people do not adapt to a night schedule. Rotating shifts, where workers move periodically from day to night, are actually worse than a regular night shift, in spite of claims by bosses that these types of shifts are fairer.

Marxism and the night shift

Marx, writing in *Capital, Volume I*, addressed the question of night shifts:

"The prolongation of the working-day beyond the limits of the natural day, into the night, only acts as a palliative.



It quenches only in a slight degree the vampire thirst for the living blood of labour. To appropriate labor during all the 24 hours of the day is, therefore, the inherent tendency of capitalist production. But as it is physically impossible to exploit the same individual labour-power constantly during the night as well as the day, to overcome this physical hindrance, an alternation becomes necessary between the work people whose powers are exhausted by day, and those who are used up by night. (...) This 24 hours' process of production exists today as a system in many of the branches of industry of Great Britain that are still 'free,' in the blast-furnaces, forges, plate-rolling mills, and other metallurgical establishments in England, Wales, and Scotland. The working-time here includes, besides the 24 hours of the 6 working-days, a great part also of the 24 hours of Sunday. The workers consist of men and women, adults and children of both sexes. The ages of the children and young persons run through all intermediate grades, from 8 (in some cases from 6) to 18."

Workers in power restrict night work

The Paris Commune abolished night work for bakery workers, who had been struggling for two years previous to the establishment of the Commune. Three thousand bakers had marched on the Hotel de Ville to present their demands. Auguste-Jean-Marie Vermorel, a socialist Commune, declared, "It would be against all justice and all human rights to allow a particular class of workers to be separated from society in the interests of the aristocracy of the stomach." — *The Paris Commune: A Revolution in Democracy*, Donny Gluckstein, p. 17

The Bolsheviks abolished night shift for women, except in cases of "extreme necessity," but by the time of the fall of the USSR, the ban was not enforced and it was estimated that 3.8 million women workers were working night shifts. In fact, 3 times more Soviet women, many of them industrial workers, worked night shifts than men. — *Soviet Workers and the Collapse of Perestroika: The Soviet Labour Process*, Donald Filtzer, p. 173

Modern capitalism, with its drive for profits, requires a workforce that is available for exploitation 24-7. The capitalist is not inclined to let expensive plant and equipment sit idle. The profit-making mechanism must function around the clock. Socialists and the labor movement must question the necessity of night shifts. How can they be minimized and made less stressful on workers? How would a socialist society approach night shifts? Certainly, the preservation of gains, like the elimination of night shift, depends on the greatest possible workers control of the means of production and on the establishment of a system of socialist democracy. *Struggle gets the goods*

In 2012, South Korean auto workers at Kia and Hyundai won the elimination of night shifts after a strike. It's clear that night shifts are not in the interests of working people. Our unions must go beyond negotiation wage differentials and work to limit and, as much as possible,

eliminate night work. Of course, some professions, like health care and emergency services, are necessary around the clock, but there are ways to offset the burden by shortening the work day with no loss in pay, the automation of some processes, and increasing the number of workers on shifts. The health of workers should also be closely monitored in order to help stave off the worst health problems.

Winning the elimination of night shifts will require struggle along with the reconstruction of a class-struggle wing in the unions at both the rank and file and leadership level. After decades of a one-sided class war waged against workers, an independent fight back is needed both in the streets and at the ballot box. Victory will depend on the ability of the unions to break their subordination to the bosses and the Democratic Party.

John Leslie is a construction worker who works night shifts

Poet's Corner

This poem is for all members who wonder why, we as a fighting union, still pass the "hat around." It was written by a US longshoreman (wharfie) after a brig strike on the US West Coast.

The Collection Speech

The long collection speech is done
 And now the hat goes round
 From hand to hand its solemn way
 Along the restless rows
 In purse and pocket fingers feel
 And count the coins by touch
 Minds ponder what they can afford
 And hesitate how much
 In that brief fitful moment
 When the battered hat arrives
 Try fellow workers to remember
 Some union men and women put in their lives!



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