



POAGS EBA Report

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April 5, 2011

Safety, Training, Union Delegate and HSR Rights Main Issues at POAGS

While the issue of classification structure remains one of POAGS most strongly opposed claims a number of other issues of just as significant importance have presented themselves during the last two days of negotiations with the company.

The question of the classification structure was discussed at length by the delegates and a greater understanding of our claim was gained by all. We should remember that POAGS introduced without our agreement changes to the grading structure.

Their belligerence in this matter forced our hand and made the MUA realise that we cannot leave ourselves at the whim of the company regarding gradings. Our structure seeks to remove the internal division and promotion of competition amongst workers which is consistently used by managements around the country to divide workers and cause disharmony on the job.

The company believes they can make unilateral changes to grades and there is no doubt a plot, witnessed in two ports already, to reduce the standard FSE grading to G#2. Clearly this is not acceptable to any POAGS wharfie or might I add to wharfies generally.

We see the MUA's proposed classification structure as being a strong mechanism to prevent the abuse of the current grading system and in removing the company's belligerence toward the pay structures of the membership.

Safety First

A considerable amount of time was spent discussing the safety clause that should go into the agreement. The MUA is steadfast on the EBA reflecting the best possible safety outcomes. There can be no other option. It is of paramount importance and it is clear that the company remain of the view that their entire systems from their corporate

structures down to the job are adequate. We reject this view and too often see or have reported that safety is being diverted away from, in the name of productivity and efficiency. We cannot and will not move away from safety as being a fundamental and core claim of the union. We will no longer stand for OHS representatives and delegates being spotlighted and targeted for raising safety concerns. We reject the industrialisation of safety by POAGS and will continue to deal with this matter in a vigorous and thorough manner.

The company position on safety is:

POAGS SAFETY POSITION

- POAGS has an absolute duty of care under applicable safety legislation.
- Safety should never be negotiable.
- Existing provisions in the *Fair Work Act 2009* (Cth) and applicable safety legislation appropriately address safety in more comprehensive way.
- The rights of HSRs is enshrined in applicable OH&S legislation.

These motherhood generalisations do not comprehensively deal with the fact that in reality these issues are given lip service when they hit the wharf as other pressures on management kick in. Notwithstanding their general and broad nature which gives no recognition to the recent carnage on the Australian waterfront.

We demand on safety:

- Recognition of all OHS Acts in practice
- The impending stevedoring specific regulation be supported and workers trained in it
- Recognition and support for any Code of Practice including the Stevedoring Guidelines 2009 and training in these guidelines
- Comprehensive safety consultation in all areas
- Training in MO32

- Protection of the rights of safety representatives
- A clear procedure for dealing with safety outside of the realms of industrial dispute.

These include:

Training

Why shouldn't wharfies get a certificate that reflects the job we do and skills we have?

We are some of the few workers around whose skills are not recognised. POAGS along with the MUA sit on the Transport and Logistics Industry Skills Council and have agreed in that forum to a Stevedoring Safety Package. Why won't they implement it and give members certification that we have carried out this training?

Training is a core component of safety and we demand that we are adequately trained and inducted in the ways of the dangerous bulk and general stevedoring industry. It's OK for bosses to crow in public their commitments but in our view they must be held accountable and be made to implement the best possible training and certification regimes possible. Especially if they want to tell the world in public forums they agree with the training packages worked out by all industry stakeholders.

Wages

POAGS still insist on their ludicrous and completely unjustifiable wage offer of 2.5%. Their view is that they will give more in areas where we are prepared to trade off hard won conditions of work through "efficiency" gains. The MUA will be flexible on a wages outcome recognising the entire agreement is a package. Wages are linked to a range of other issues but the POAGS offer is offensive and is rejected outright by the negotiating committee.

Other claims

There has been some movement but not full agreement on the following issues:

- Ability to utilise Patrick (and other companies) labour at POAGS when short
- Travel between ports
- Discussions are ongoing about the mis-use and application of the selection criteria.

Most other MUA claims have been rejected outright by POAGS.

POAGS rejected claims

- Long service leave claim
- Parental leave
- Safety facilitator
- Recognition and inclusion of the T&L ISC certification levels into the EBA
- Trade union training
- Limitation to appeals in dispute beyond the full bench of FWA - POAGS want to potentially go to the High Court
- Delegates rights charter
- Contractor clause
- Roster representative
- Composite rates for sick and annual leave
- Superannuation increase
- Manning scales
- Measures to wind back and prevent mis-use of the excessive number of start times
- Trigger mechanism from GWE to VSE

This is not an exhaustive list and there are plenty of other issues to be worked through but going is slow and POAGS are playing a fairly hard line around most issues.

There is clearly a long way to go and several meetings have been planned for the immediate future.

Those meetings will take place on:

April 18
 April 19
 April 20
 April 21
 April 28
 April 29
 May 5
 May 6

The next meetings will hopefully provide a further outline on all outstanding matters and we are hopeful to see the company come to the table in a genuine way to address key concerns relating to safety and training issues.

Further reports will be forthcoming after each round of negotiations. Don't hesitate to contact your responsible Branch official for any further updates.