



POAGS EBA Report

POAGS EBA Meetings No. 6 and 7

The last two POAGS EBA meetings were held on the 21/22 of March and while no fundamental changes or agreement was reached the company has finally proposed to pay the delegates throughout April if we can finalise the agreement within the timeframe of that month. This would appear unlikely as the parties are so far apart on the basic fundamental claims and nature of the agreement. The change of heart from POAGS is due the potential acquisition of the AAL contract to POAGS.

The company believes that the potential of industrial unrest is a major inhibitor to gaining the contract and hence want to finalise the EBA prior to the expiry date of the current agreement on June 30. Whether this is possible is not known and at the rate of progress so far it is reasonable to expect that finalisation in this timeframe is unlikely although the MUA remains committed to finalising an agreement acceptable to the membership in the quickest possible timeframe.

There has been no movement on any major issues from POAGS and they are still offering a paltry 2.5% wage increase with the potential to earn more if there are productivity trade offs in various ports and locations. This concept is completely alien to the MUA and the delegates have rejected such a flawed proposal outright. This form of wages concept is back to the early nineties whereby the class collaborationist mentality permeating bargaining at the time accepted that to get wages workers had to sell their hard won conditions of work. The time has come to reject such a negative processes. Negative trade offs are to be rejected and the negotiators have made it clear that these matters are unacceptable.

The MUA log of claims was considerable but the level of rejection by the company and the outright refusal to deal in a manner that considered our claims was poor. 90% of the claims made by the MUA have been rejected in their entirety. None have been accepted in their totality.

The main MUA claim to alter the classification structure and streamline it to overcome workplace division is the main point of contention. POAGS have stated their fundamental opposition to such a major restructuring of waterfront classifications. We see there are many benefits for both parties in the classification restructure.

Those include: better flexibility, flatter organisational structure, Introduces concept of multi-skilling, cost savings in upgrades, less restrictive on movement of labour/skill utilisation, administrative ease and fairer and more equitable and streamlined classification structure. The benefits for the workers are also significant and result in a removal of the previous grading structure for a more equitable classification arrangement. This will be a key point in the negotiations and no one as yet is sure where the landing will be in regard to the matter.

POAGS have still not provided the basis of their costings to the MUA which they estimate at \$85m. This creates a significant degree of cynicism for the MUA negotiators and the workers on the job. If the numbers are real then the company must table the facts. POAGS have committed at the next meetings to table a range of data and we await that information. This will include the range of shifts worked and the level of utilisation of extensions which the company claim runs at an average of 2%.

MUA claims regarding the following have all been rejected at this stage:

- Hours of work
- Rosters
- Safety
- Allocation and manning
- Selection
- Availability
- Drug and alcohol
- Training
- Union rights
- Workforce numbers and jobs
- Plus numerous other claims

The MUA is still dealing with POAGS on the important matter of casually engaged members to make themselves unavailable. A proposal has been put to the company and the union is reviewing the nature of the company response regarding unavailability. National Office and Branches will be reviewing the company position in the next week and a meeting is to be held with the labour in Melbourne on Tuesday 29th March to consider options.

This EBA is an important one as it is clear that POAGS will become the major bulk and general stevedore in the country especially in light of the recent Patrick decision to sell and close many of their bulk and general operations in a range of different areas.

Stevedoring Safety TAG and working group

On Thursday the 24th, Paul Keating (relieving Sydney Branch Official) and Warren Smith met with all of the stevedoring industry employers and the State OHS regulators, the DEEWR (Fed Govt), Australian Chamber of Commerce and Industry and Safe Work Australia to consider the gaps relating to stevedoring operation arising from the onset of the new model harmonised WHS Act and regulations.

While the meeting progressed positively the matters outlined as gaps in the regulatory safety regime were all discussed and forwarded to the next working group for consideration. This will take place on May 13/14, 2011. This was the aim of the MUA in attending.

The working group is charged with making recommendations on the nature of stevedoring safety gaps and then proposing to the SWA Temporary Advisory group whether the various issues not covered in the model act and regulation will be translated into a new regulatory framework due to be released in January 2012.

There was considerable employer opposition to the process and both DPW and POAGS wrote to SWA to reject the work that the MUA had provided as the basis for consideration of the meeting. Their submissions were rejected.

The all day meeting covered all the potential nominated stevedoring gaps in the WHS act and regulations and the next working group meeting in May will make a determination as to the form

The agreement with POAGS will need to secure above all else major unions rights issues. We need to enshrine delegates and committee rights in the document and make sure that every effort to protect delegates is undertaken. Safety and proper and transparent fair processes for selection are high on the union agenda.

The next meetings have been scheduled for the following dates.

31st/1st March/April (delegates to be paid)

18/19/20/21 April (delegates to be paid)

28/29 April (delegates to be paid)

5/6 May

of compliance that these gaps will be covered by. The MUA is firmly of the view that the gaps will need to generally take on the form of a stevedoring specific regulation as we are unconvinced the non binding nature of Codes of Practices and Guidelines will sufficiently address the chronic and desperate issues relating to workplace safety on the waterfront.

The MUA tabled propositions relating to the necessity to move back to a form of national industry training school where adequate training and induction processes could be reinstated to overcome the ad hoc nature of industry training. The employers were cold to say the least on these issues but they are matters worth continuing to struggle for to ensure that waterfront safety is guaranteed to be best practice and not randomly considered hit and miss training regimes put in place by companies whose primary motivation is operational considerations (read profit).

The working group also considered the very important issues of industry training packages and licencing issues. Ships cranes are now required to be licenced in Victoria and the MUA is of the view this matter needs extension into all Australian jurisdictions. The employers were less than happy with this as an outcome.

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