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INSIDE: MAY INTENSIVE REPORT RIO TINTO BREAKTHROUGH

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There’s an old saying that the more things change, the more they stay the same. Nothing could be closer to this truth than the recent rumblings – yet again – from the federal coalition and some of their state counterparts on the issue of industrial relations “reform”.

It is a little over two years since the federal Labor government ripped up John Howard’s unfair and divisive WorkChoices laws and replaced it with a new Fair Work Act. Since that time in July 2009, Australian workers and their families have enjoyed the protection of a proper award safety net, better bargaining rights, and better access to advice and assistance from their unions where it really matters – in their workplaces.

It took a concerted and united campaign from the Australian union movement to achieve this result for the benefit of workers, but now the tired old dogs of the Howard era are barking again about dismantling these achievements and taking workers back to the days where the bosses had the right to secretly do whatever they wanted. No checks. No balances. And no protection for workers from exploitation.

There is no better example of this than Peter Reith’s recent attempt to use industrial relations “reform” as the prop for his unsuccessful campaign to become federal Liberal Party President. Remember Peter Reith – the Howard government workplace relations minister who brought us security guards in balaclavas and attack dogs on the waterfront? Well, he’s back in the spotlight and leading the charge to rip away the protections that the federal Labor Government has reinstated for workers.

And Reith is not the only one spearheading this assault. He’s now found an ally in newly elected NSW Liberal Premier Barry O’Farrell, who has just legislated to strip away the rights of state public servants to access fair and just industrial outcomes through the NSW Industrial Relations Commission.

All of which shows that now, more than ever, Australian workers and their unions need to be on guard to protect our hard-won gains from these conservative agendas and to advance our claim for fair and just outcomes in our workplaces with the good system that we have in the Fair Work Act.

FUNERAL REITH: Peter Reith, the Howard regime’s workplace relations minister who orchestrated a ferocious attack on workers’ rights, has been “resurrected” by the Libs to lead a charge to rip away protections introduced by the Labor government.
This year, our annual intensive organising campaign was bigger and better than ever, with record numbers of workers signing up to Australia’s biggest blue-collar union.

We decided to do things a little differently this time around, shifting the Intensive from July to May – and it paid off in spades. Right across the board, we smashed our previous intensive records, proving once again that the AWU leads the way when it comes to bringing people into the union movement.

In 2011, we signed up 3323 new members from 310 sites across the country. Compare that to previous years: 2400 new members in 2009, 2447 in 2010. Put simply, this was our best year.

In the first two weeks of the May Intensive we had already reached out to more than 120 workplaces. The decision to get workplace delegates onboard for the first time was a boon for the Intensive – with bigger numbers rolling in week after week.

With the help of our hardworking Branches, we’ve built on the success of our intensives with every new campaign. This year, we ramped up the recruitment drive with regular SMS and email updates, weekly phone hook-ups and thorough workplace mapping.

We haven’t seen membership growth like this for decades. It’s been especially heartening to see growth in regional and rural Australia, the historic heartland of a union which began among shearers 125 years ago.

The May Intensive might be over, but our organising work never stops. As the year goes on, we’ll keep fighting for a fair go for Rio Tinto aluminium workers. Unionised aluminium workers across mainland Australia are far better off than the 500 workers at Bell Bay. On average, they earn $20,000 more a year, face better superannuation and get better redundancy pay.

That’s just not on. It’s why Tasmanian aluminium workers are joining the AWU. They want workplace justice, they want to bring their working conditions up to national standards. Our Rio Tinto campaign is attracting a lot of attention – we’re getting the traction we need and we won’t take a backwards step.

This year, the AWU celebrates its 125th year. We’re proud to be Australia’s leading organising union – it’s our continuing growth that gives us the power to deliver for our members.

It means we win better enterprise bargaining agreements. It means we guarantee job security for AWU workers. Most importantly, it means our strong voice is heard loud and clear in Canberra when we say we need more support for the manufacturing industry.

We’ll keep fighting together, and we’ll keep growing together. Because we know that together, workers will always be stronger.
FAIR TRADE CAMPAIGN

TAKING CONTROL: The federal government’s initiatives to combat dumping include the establishment of an international trade remedies forum to implement reforms.
Dumping in international trade is when products are sold overseas at prices below market value in the country into which they are imported. Its effect is to undermine the pricing of products produced locally in the destination market, and therefore threaten the jobs of local workers.

The Australian Workers’ Union has argued that dumping – mainly by Chinese manufacturers – is undercutting the local manufacturing sector to the point that Australian companies are losing market share, with industries such as steel, aluminium, glass, paper and timber among those worst affected.

The union has been campaigning hard to tackle the practice and, as a result of its efforts, a beefed-up role for Customs and a crackdown on attempts to get around the rules are just two initiatives being mounted in a government strategy to beat the dumpers.

Following its campaign – Don’t Dump on Australia – which aimed to raise awareness of the impact of dumping, the government’s action, announced in June, has been welcomed by AWU National Secretary Paul Howes as a big win for Australian manufacturing, and the crucial first step in giving local industry the chance to compete on a level playing field.

This comes at a time when Australian exporters are trying to rebuild following the global financial crisis and are operating against an Australian dollar trading at a record high.

The new measures (see breakout: “What the federal government will do to counteract dumping”, page 8) are aimed at providing better support to Australian industry and workers through a modern, rigorous and
better-resourced anti-dumping regime, including a 45 per cent increase in the number of Customs officers dedicated to combating dumping, a 30-day limit on ministerial decisions in dumping cases, additional monitoring of compliance, and the establishment of an international trade remedies forum to implement the reforms.

Paul Howes says the changes will result in a more responsive and effective anti-dumping system, with more staff and greater market expertise in Customs lending a higher priority to anti-dumping cases. “We welcome the government’s acknowledgement of the key role and interest unions play in anti-dumping cases. “We want to see more staff and greater market expertise in Customs lending a higher priority to anti-dumping cases.”

Victorian glass industry worker Denis Bradford says it’s a positive step that should enable Australian industry to become more effective in lobbying against dumping and getting a quicker response to complaints. “I take a bit of warmth from the fact the government has recognised there’s a problem.”

Denis, who’s worked for the same company for 33 years, says it “really rips your heart out” when countries such as China – the main offender in dumping around the world – can pull the carpet out from under local industry by selling cut-price, subsidised products.

It’s very difficult for Australian industry, with Asian countries on its doorstep whose manufacturers can have product on the shop floor within weeks and just dump any overruns on the local market,” he says.

Bluescope Western Port steelworker Robbie Rudd also welcomes the government’s action, adding that it had previously been doing nothing. “It seemed like companies and countries were able to dump on Australian markets without any recourse. By the sound of this, it’s a long way better than what we had.”

He hopes companies that use the dumped product also change their habits, saying they deserve to get inferior product because they are undermining Australian industry and jobs.

“As far as I’m concerned, dumped products should be barred from coming here for two to three years, if we can prove that [their exporters] have been dumping. They should bar them so they actually learn a lesson, rather than just pussyfooting around and giving them a slap on the wrist.”

“That’s why I was so glad to hear that there was a decent package of anti-dumping measures coming in. Why should anyone be slapped on the wrist when they are trying to take away our jobs?”

WHAT THE FEDERAL GOVERNMENT WILL DO TO COUNTERACT DUMPING

- Boost by 45 per cent the number of Customs employees working on anti-dumping issues over the next 12 months, and establish a dedicated unit to boost compliance
- Introduce a 30-day time limit for ministerial decisions on anti-dumping cases
- Reduce costs for Australian businesses seeking remedies against dumping and improve timeliness and transparency for all parties in anti-dumping investigations
- Establish an International Trade Remedies Forum to oversee the implementation of the reforms
- Combat attempts to circumvent anti-dumping duties
- Use more trade and industry experts in investigating complaints
- Introduce a more rigorous appeals process, supported by better resources
- Allow extensions of time to complete complex cases
- Create better access to the anti-dumping system by employing a new support office for small and medium businesses and downstream manufacturers and processors, and clarifying information needed for an application
- Allow for greater consistency with other countries through regular review of the situation elsewhere, and by allowing Australian companies to combat a wider range of subsidies

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Steel is formed on the slab caster at BlueScope’s Port Kembla steelworks.
No jobs need to be lost in the implementation of the carbon price programs. The government will set aside about 40 per cent of carbon price revenue to assist business and guarantee employment. The Jobs and Competitiveness Program promises to protect Australian jobs by providing assistance to emissions-intensive but trade-vulnerable industries. Industry will receive $9.2 billion in assistance in the first three years.

There will be $500 million to fund tailored schemes for the manufacturing industry, including steel, food processing and metal foundries. Manufacturers will also get grants ($800 million in total) to help develop low-pollution technology. In the coal industry, a $1.3 billion assistance package will support mining jobs. Emissions-Intensive Trade-Exposed (EITE) provisions will safeguard industry competitiveness in the international market. The idea is to maintain the strength of Australian industry, ensure no jobs are sacrificed and invest in energy-efficient technologies to increase economic competitiveness.

With regard to the steel industry, which employs thousands of AWU members, the government recognises that it’s not just the carbon price that is a worry, but also reduced growth in the local construction sector, a high Aussie dollar and increased raw material costs. To help an industry that is a big employer in city and regional areas get to grips with clean energy and remain viable, the government has come up with a two-pronged assistance package. For a start the Steel Transformation Plan (STP) stump up $300 million over the first four years of the carbon price. This is to be used to support investment, production and innovation. Then the Jobs and Competitiveness Program, starting in 2016-17, offers a 10 per cent...
It is important for Australians to realise that a price on carbon is inevitable and it is equally important that the community accepts this and understands exactly what it means. Doing something about carbon emissions has support from both sides of politics, with a commitment to cutting emissions by at least five per cent by 2020. And while their approaches to the concept may be different, no matter who is in government, a price on carbon will be introduced in Australia – regardless.

The AWU recognises its responsibility to 85 per cent of its membership who work in emissions-intensive, trade-exposed industries (EITEs).

AWU National Secretary Paul Howes said that when the union negotiated with the government, knowing that an Australian carbon price was inevitable, it set some very clear benchmarks.

“We said, quite rightly, that our union would not support a price on carbon that cost the jobs of our members,” he said.

Part of the union’s demand was for a 94.5 per cent compensation for most EITEs, arguing that pollution can’t be cut by shutting down local businesses.

“We hold that position today, but we believe the government has delivered a package which addressed our concerns,” Paul said.

The union also recognises that this timely opportunity to move towards a low-carbon future will ultimately enable Australian industry to gain a competitive advantage.
is both appropriate and sensible. Our concerns... have been recognised and substantially addressed.”

BlueScope Steel, which will be the major beneficiary of the STP, is also happy. Managing director and CEO Paul O’Malley said, “The government has worked with the Australian steel industry to achieve an outcome which recognises it is trade-exposed.”

He also supports a sectoral approach to the carbon emissions issue. “This is a pragmatic solution to a complex problem,” he said. “The STP will minimise the impact on the Australian steel industry... and it signals the government’s intention to limit the potential pass-through of coal emissions costs onto steelmakers.”

The AWU has always worked to protect employment in the steel industry, and stands side-by-side with employers in this instance to ensure not a single steelworker’s job is sacrificed to the carbon price. The union has lobbied hard to keep jobs in this key manufacturing industry safe, recognising that with the continuing multibillion-dollar resources boom generating the need for more infrastructure and construction, once there is a certainty about the carbon price situation in Australia, newer and even bigger investment will flow.

The aluminium industry will get compensation cover set at 94.5 per cent of emissions. Excess refining permits will be allowed in Western Australia to go towards smelting in Victoria, where dependence on brown coal will be recognised by an additional allowance. Alcoa Australia is generally pretty happy with the provisions and most importantly – on the back of a 27 per cent rise in revenue in the second quarter of this year – has confirmed there will be no job losses at Portland or Port Henry “in the foreseeable future”.

The cement industry, zinc smelting and the plastics and glass industries will also benefit from the two levels of government compensation (94.5 and 66.6 per cent) as calculated by assessment of energy intensity. Oil refining gets 94.5 per cent compensation and the carbon price will not apply to petrol, LPG or diesel used in light vehicles operated by private motorists and small businesses.

**HOW DOES CARBON PRICING WORK?**

The government calls it the Carbon Price Mechanism. There will be a starting fixed price on carbon of $23 a tonne, to be introduced from July 1, 2012, rising by 2.5 per cent each year. This is a precursor to a market-based emissions trading scheme and a flexible price cap that will operate from 2015. The units of compliance are called “carbon permits” and each one represents one tonne of CO2 greenhouse gas emissions. Industry will be able to bank, auction and eventually trade these carbon permits. Of course, this may impact on everyday life, such as increased energy cost, but the government is adamant that business and households – especially pensioners and low- and middle-income families – will be compensated. Ninety per cent of households will get assistance through tax cuts and/or payment increases to reduce the pain.
The “May Intensive” is now an AWU tradition. Organisers around the country hit the road visiting workplaces to talk to workers about the benefits of unionism. And thanks to a great team of officials and delegates, this year’s campaign has been a roaring success. Michael Blayney reports.

It’s nudging 7am (and 7 degrees) on a Monday morning in Melbourne’s outer east. Half a dozen workers at maintenance services company UMS are drifting into the break room to discuss the upcoming workplace agreement. Of the six employees at this shop, just two are union ticket holders. AWU organiser Frank Globan’s job this morning is to get the other four on board.

We’re now one week into the AWU’s May Intensive organising campaign, and Frank’s been racking up the hours in his race to recruit. This will be far and away his busiest month of the year, and he expects to push out a few thousand kilometres in his trusty union car over the journey. It can be hectic, but he wouldn’t have it any other way.

“I suppose in a way it’s a sales job, but I don’t look at it like that,” says Frank, now in his third year as an AWU organiser. “I’ve been union all my life, staunchly union, and staunchly AWU. I come from the steel industry, and I’ve seen
first-hand the benefits of membership."

This morning, Frank has to convince four others of those same benefits. After being introduced by UMS employee and AWU on-site delegate Darren Greensill, he takes the floor and methodically works his way through the many reasons an AWU membership is a vital workplace tool.

He initially concentrates on value for money. AWU members set aside roughly $9 a week: $3 of that is tax-deductible, another $3 is covered by the free family ambulance subscription that kicks in after a year, and there’s also the annual picnic which is covered by a rostered day off. Taking all that into account, an AWU membership is pretty much cost-neutral.

After listing the union’s priorities for the next workplace agreement, Frank distributes membership forms, and maintenance man Chris Woods is the first to reach for a pen.

“We have good management here, but as workers we need to be united,” he says after the meeting. “It’s important for everyone to stick together so that we can negotiate this new Enterprise Bargaining Agreement (EBA) from a position of strength.”

Meeting over, Frank has three of the four signed, sealed and delivered: the odd one out is taking his membership form home to think it over. Although he was hoping to unionise the whole shop, Frank is circumspect about his one objector, a serial non-joiner.

“It’s the same tale of woe every official’s had since day dot: the worker who refuses to join the union and pay his fair due is the same worker who’s happy to take all the benefits when pay day comes around.”

Driving to our next destination, Frank shares the special moments in his job that make it worthwhile. “I had a bloke call me last week crying tears of happiness. He’d just received a TPD (total and permanent disability payout) after being severely injured on site. This bloke was a hard worker, but he was considered a lost cause. As an AWU member, he was entitled to the best legal help, so we set it all up and he ended up with a nice, tidy little sum.

“That’s the sort of story that makes the whole office feel good. And that’s why we do the job. We have the capacity to change someone’s life for the better.”

Our next port of call is Tobin Brothers Funeral Homes in Noble Park. We’re joined by Ben Davis, AWU Victorian Branch Vice President, and a dozen or so Tobin Brothers employees wishing to discuss their next workplace agreement.

This EBA will primarily focus on two initiatives: more structure in the roster and more flexibility in the workplace. Chairing
the meeting is on-site delegate Phil O’Donnell. “This EBA will implement a radical change of our working structures. We’ll have more variety and choice,” he says.

Frank then works the room with four employees yet to join. Half an hour later, his strike rate is 100 per cent, the quartet all new members. One of their number, David Reid, has worked at Tobin Brothers for three years, and this is his first brush with membership. “I think it’s a valuable thing that all workers should consider. Frank made good sense, and with all the benefits on offer, it was too good to pass up.”

As we make our way back to Frank’s car, he’s buoyed by the Tobin Brothers reception. “How good is this?” he asks, smiling. “There’s nothing better than walking out of a place with a fistful of new member applications, knowing that we’re all in this together, making a difference.”

CAMPAIGN UPDATE

The AWU’s May Intensive organising campaign for 2011 has come to an end and, to paraphrase Paul Keating, we have a beautiful set of numbers on our hands. This year’s AWU recruitment drive has been the most successful in the union’s history, with 3323 new members mobilised by 119 organisers at 310 worksites nationwide.

Staged for the first time in the month of May to capitalise on the timing of workplace agreement negotiations around the country, this new strategy resulted in a significant boost to year-on-year figures. In 2009 and 2010, 2400 and 2447 members respectively signed on.

“We haven’t seen membership growth like this for decades,” says Paul Howes, AWU National Secretary. “It’s been especially heartening to see growth in regional and rural Australia, the historic heartland of a union which began among shearers 125 years ago.”

This time around, each and every week of this month’s campaign was more successful in terms of new numbers than the best previous weeks of years gone by. To achieve these outcomes, AWU organisers particularly focused on strengthening numbers and identity at existing sites.

Workplaces with little or no union presence were also identified with AWU officials noting lower rates of pay recorded at these sites. As a result of membership growth, the blowtorch is currently being applied to companies underpaying staff.

“Each year, we are finding new ways to step up our recruitment of new members to the AWU by involving more officials and more delegates. The improved workplace density that the Intensive has delivered over the last few years has strengthened the voice of AWU members,” Paul says.

The wide range of industries covered this year is testament to the hard work of organisers and the nationwide reach the AWU currently enjoys. Growth industries include construction, aviation, aquaculture, recycling and traffic control.

This year’s Intensive was the union’s third, and officials have become more adept at efficiently mapping workplaces and having one-on-one relevant conversations with workers. On-site delegates have also been right behind the push, paving the way for organisers to enter a workplace and achieve positive results.

The Intensive is, of course, only one month of the year, and the challenge now is to back it up with solid annual gains. “The Intensive may have finished, but our organising campaigns will continue,” Paul says.
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ICON Place
Level 4, 270 Adelaide Street, Brisbane
There’s trouble at smelter as Rio Tinto’s Bell Bay workers rebuild union membership and fight for parity with their counterparts on the mainland. Paul Robinson reports on the history of the company’s anti-union stance and the light that may be starting to shine at the end of the tunnel.

STOP PRESS!

On June 23, in a key win for workers’ rights, Fair Work Australia ruled to allow accredited AWU officials entry to on-site crib rooms at Bell Bay aluminium smelter, to discuss employment matters and concerns. Rio Tinto Alcan’s position of refusing access to meal rooms was ruled “unreasonable”.

AWU National Secretary Paul Howes said after his landmark site visit on July 1 – the first time in some 20 years that a unionist has had legal access to the site – there was a positive reception from employees, despite close monitoring by Rio Tinto officials. “They even watched us go to the toilet!” he said.

The AWU has resumed its advertising campaign to ensure Bell Bay workers are aware of the discrepancies in pay and conditions compared with mainland workers.

Tasmania’s only aluminium smelter, Bell Bay, was built in 1955, the first in the southern hemisphere. It is a huge complex covering some 53 hectares and employing upwards of 550 workers. Now run by resources giant Rio Tinto, which made about $US15 billion ($14.2 billion) last year, Bell Bay is back in the news for reasons other than its size and longevity.
Effectively de-unionised in the mid-1990s, the site is now the focus of an AWU campaign to rebuild membership and address workers’ concerns about pay and conditions. On average, Bell Bay workers earn $22,000 less a year than workers doing the same jobs in smelters on the mainland. Crucially, workers feel they have little say in their working conditions, with the company adopting a “just do what you’re told” attitude somewhat at odds with the Aussie principle. “At the end of the day, these are the lowest-paid aluminium smelter workers in the country,” says Ian, “yet they do exactly the same work as on the mainland. It’s not on.”

But that’s not the way Rio Tinto sees it, refuting AWU claims that it is anything less than scrupulously fair with its employees and singing the model corporate citizen song to anyone who’ll listen. It talks about the millions it pumps into the Tasmanian economy in wages and purchase of goods and services. It sponsors environmental campaigns and, “even props up the local golf club and maintenance of the parks,” says lan. If it has to be in the news, Rio wants to be seen as the good guy.

The company trumpets that its workers are among the highest-paid in Tasmania, as if the Apple Isle wasn’t actually part of Australia. Says Ian Wakefield, “Rio reckons it pays ‘market rates’ – but they’re comparing apples with oranges. The benefits that workers have in those mainland smelters should be available to workers at Bell Bay, same product, same cost, same market.”

On the face of it, things look okay for Bell Bay. It is a profitable plant, producing a quality, value-added product that sells for top dollar. Rio has just signed a very sweet deal with Tasmanian Hydro, which will keep the smelter in cheap power until 2026. But apparently that’s still not enough to prompt Rio Tinto to treat its workers with an even hand.

Subtle intimidation of workers is one of its time-tested ploys. Citing a fluctuating aluminium price as the reason, it is implied that if workers push too hard for a change, the company might have no choice but to close the smelter. Given
the scarcity of jobs in Tasmania at the moment, with the downsizing of major employers such as the forestry industry.

Such scaremongering is a conscious tactic, says AWU National Growth Campaign Co-ordinator Daniel Walton. “They’re creating this huge fear for anyone that works in a regional area, of how hard their chances of finding alternative employment would be if they were given the punt.”

“It’s a tool they use all the time when questioned about pay and conditions,” says Derek Hawes, a union member for four years. “The response is always: ‘You guys get paid in the top 25 per cent of Tasmanian workers, so you don’t have anything to complain about’.”

The company has determinedly blocked union access to the site to discuss anything but safety matters. Rio has also favoured a more “personal” approach in its efforts to disrupt the AWU organising campaign.

“We’ve had managers at Bell Bay calling on workers individually, saying they know they’re in a union and asking why,” AWU National Secretary Paul Howes said on the ABC. “It was suggested [in one instance] that it wasn’t in a particular worker’s career interests to be a union delegate.”

“There was some intimidation. People were getting asked why they were moving to the union, why they wouldn’t come to management with their queries,” says Bell Bay AWU organiser Monica Hinkley.

But, with the campaign gaining momentum, OH&S right of entry wins in court, membership increasing – and even the international spotlight on Rio Tinto in recent months with letters of protest being sent from unions in Brazil, France, South Africa, the United States and United Kingdom to Rio Tinto chief executive Tom Albanese (who, incidentally, recently scored a 31 per cent pay rise to take his annual haul to about $US9 million), the company has backed off a bit.

“There used to be pressure to tow the line and they were pretty vocal about knocking the union,” says Derek. “These days, with guys not afraid
to stand up and represent the workers, it’s not so open.”

Ian agrees. “There used to be a bit of intimidation, but since we’ve taken these issues to Fair Work Australia, we’re not hearing so much about it. I think they’ve pulled their head in a bit.”

That doesn’t mean Rio has had a change of heart. The company retains high-powered legal firm Freehills, and every decision by Fair Work Australia has been immediately and exhaustively appealed.

“The company preaches ‘no third party’, but Freehills rock up at every dispute with special counsels,” says Ian. “But they don’t want workers to have any representation.”

Ian says Freehills are all over Rio Tinto’s strategic planning like a rash. “The last safety hearing we had – only the basic first stage in the process – they sent a QC!”

The AWU campaign, using print media, radio and TV, has pushed Bell Bay union membership up past the 50 per cent mark. One of the most successful strategies has been the use of delegates from mainland smelters to address Bell Bay workers at off-site meetings.

“Marcus Faulkner from Tomago [NSW] and Brett ‘Jabba’ Noonan from Point Henry [Victoria] travelled down to meet with workers and tell them how they got their conditions,” says Ian. “It was a tremendous morale booster for members.

“When these guys talked about their pay and conditions, and how they interacted with management, it really opened a few minds,” says Paul Howes.

“The delegate visits really made a difference,” says Monica.

Marcus Faulkner also featured on a 15-minute DVD that was widely distributed to workers and had an immediate impact. “It worked extremely well in getting the message across about conditions on site,” says Daniel Walton. “Everyone took it home and then played it for other workers on the computers in the crib [lunch] rooms. It was an amazing signal to the company that times were changing.”

THE COMPANY: RIO TINTO

Rio Tinto has seen organised labour as fair game from day one. To maximise profits, it has always figured exploiting workers is a reasonable work practice. Anti-union at best, Rio plays hardball whenever it thinks it will get away with it, often cosying up to right-wing and dictatorial regimes if it’s to the company’s advantage. The following are examples...

1 The company was founded in 1873 when a consortium of investors purchased a mine on the Rio Tinto river in Huelva, Spain. In the late 1930s, the company tacitly supported Spanish dictator General Franco’s industrial relations policy, which involved the killing of strikers who had occupied the mine, which went on to supply pyrites to Axis powers during WWII.

2 In Bougainville, Papua New Guinea, Rio was allegedly complicit in human rights violations regarding the operation of its giant Panguna copper mine (now closed), which led to the separatist crisis of the early 1970s.

3 Rio stands accused of unethical conduct resulting in massive environmental destruction at its Grasberg mine in Indonesia.

4 There is also disquieting evidence of contamination of Kakadu wetlands from its Ranger uranium operation in the Northern Territory.

5 At the Blair Athol coal mine in central Queensland in the 1990s, workers were dismissed for being union members.

6 In 1998, Rio Tinto attempted to crush the Mineworkers Union of Namibia at its Rössing uranium mine by apartheid-style mistreatment of black workers. Police, tear-gas and dogs were used there against wildcat strikers in 2008.

7 Last year, in Boron, California, Rio locked out nearly 600 workers for nearly four months. Workers had rejected company attempts to impose new contracts, cut jobs, scrap seniority and increase overtime after a wage dispute at the world’s biggest – and most dangerous, with 210 workers injured in the first 10 years of its operation – Borax mine. The mine was kept operational by professional scab labour provided by a security company. Workers ratified a new agreement in May 2010.
POSTCARD FROM...

THE VERY BEGINNING
The Australian labour movement has a long, strong history – and the Australian Workers’ Union has been there since its foundation. Michael Blayney headed to the Queensland town of Barcaldine, where workers stood proud and vowed to fight for the rights we enjoy today.

Under bright, blue Barcaldine skies, AWU National Secretary Paul Howes is about to address the National Executive. Directly behind him is local landmark the Tree of Knowledge, a striking monument that stands as a potent symbol of the birthplace of Australia’s labour movement.

“Welcome to our spiritual home,” he says, one hand on the tree trunk. “In 1891, we were faced with our first test and our members stood tall in this very spot. Over the years, we’ve had our ups and downs, we’ve been written off many times, but we’ve always bounced back stronger and better, and now we are as united as we’ve ever been.”

All 22 members of the AWU National Executive have made the pilgrimage to Barcaldine (pronounced bar-call-den or “kind of like Mark Holden but with a B,” as one local wag informed me). A central Queensland town with impeccable working-class credentials, this location is the ideal place to celebrate the 125th anniversary of the establishment of our union in 1886.

Barcaldine’s main attraction is the Tree of Knowledge monument. During the shearsers’ strike of 1891, hundreds organised under the shade of a giant ghost gum on the main street outside the railway station. This meeting place witnessed the first meaningful connection between the unions of the day and what would ultimately become the AWU and the Australian Labor Party. That very gum tree is now more widely known as the Tree of Knowledge.

In January 2006, the Tree of Knowledge was placed on the National Heritage List. Just three months later, the tree itself was poisoned by vandal(s) unknown, and failed to recover. The dead trunk has since been repositioned on the original site, and placed underneath an imposing 18-metre-high, cube-like structure fashioned from recycled timber. Hundreds of wind chimes form the canopy, clunking in the breeze. Viewed from the outside, the big box can look a little out of place on Barcaldine’s main drag. However a night viewing is recommended as the illuminated monument can be spectacular and moving.

The Australian Workers’ Heritage Centre is a fitting tribute to the lives of (extra-)ordinary working Australians who fought to defend the freedoms that we all now enjoy. Located on the old site of Barcaldine’s state school, the centre cleverly uses the existing buildings to mount specific exhibitions.

Today, the latest addition to the landscape is an original Queensland shearsers’ hall donated by the AWU. A treasure trove of historical curios, artefacts, photographs, artwork and
In January 1891, trouble began to brew in the Barcaldine and Longreach region. Despite rising wool prices, wealthy graziers wanted to place shearsers on individual contracts, thereby reducing hard-fought wages and conditions. In response, shearsers demanded the right to bargain collectively. Sound familiar?

The graziers had the backing of the conservative state government which dispatched more than 1000 troops to central Queensland in support. Scabs were given armed protection by the authorities. Barcaldine became the shearsers’ headquarters, and meetings were often conducted under the shade of a majestic ghost gum on the town’s main street. This tree will forever be known as the Tree of Knowledge.

By March, the population of Barcaldine and surrounds had swelled to 4500 people. Isolated confrontations flared up after barns and shearing sheds were burnt down. However, there was very little bloodshed as shearsers exercised great restraint in the face of much baiting.

“We could’ve had a civil war on our hands,” says AWU President Bill Ludwig. “It was an explosive situation, and I’ve been told that our blokes had plenty of ammo if they wanted to start something.”

Temperatures were tested further in March, when police arrested 13 strike leaders. In April, 377 scabs arrived in town under heavy military guard. On May 20, the 13 men were placed on trial in Rockhampton, charged under an obscure 1825 conspiracy law. They were duly sentenced to three years’ hard labour on St Helena Island in Moreton Bay. The legitimacy of the charges and fairness of the trial are disputed to this day.

Morale was at an all-time low in June. The leaders of the strike were behind bars, scabs were working the sheds, and resources were exhausted. On June 20, the unions declared the strike over, hunger and attrition getting the better of them.

Despite the outcome, the strike paved the way for the first Labor politician to win office a year later, when shearer Tommy Ryan stood for election in the local Barcoo electorate. Just seven years later in 1899, Queenslanders voted in the first Labor government. This dispute forged the beginnings of the AWU and the labour movement in this country, and the bravery of these men should never be questioned or forgotten.

“The 13 shearsers who made a sacrifice and went to jail started this union,” Bill Ludwig says. “We needed a political voice then, and we still need one now.”
memorabilia are housed inside the building. Even those with a passing interest in Australia’s industrial history will be occupied for hours in this place. Everywhere you turn, something grabs the eye.

Outside, a presentation is made to local publican and ALP stalwart Pat Ogden of Barcaldine’s Globe Hotel (one of six pubs in a town servicing a thirsty population of just 1800). Pat was one of the main drivers of the campaign to open this centre and build a monument for the Tree of Knowledge.

After 47 years behind the Globe’s bar, Pat recently sold the pub to the local council, but his legacy lives on. His motto (and the pub’s as well) is “nothing is too good for the worker!” In his brief speech, he also makes mention that you could “count the number of Tories who drink in my pub on one hand”.

The centre was opened on the centenary of the shearsers’ strike in 1991 by (then) prime minister Bob Hawke, with 10,000 people flocking to the town. “We had a parade through town,” AWU National President Bill Ludwig reminisces. “From memory, it was a Saturday and we should have had Bob lead the parade, but he was too busy putting his bets on for that afternoon’s races. Probably a Saturday was the wrong day for Hawkie.”

Highlights at the centre include the Bicentennial Theatre, a seven-storey tent-like structure packed with information and exhibits associated with the 1891 shearsers’ strike. Outside, an offspring of the Tree of Knowledge was planted in 2005, fortuitously one year before the poisoning incident. The tree, called “The Young ‘Un”, is clearly enjoying its new home, shooting a healthy five or six metres skywards.

Back in the big smoke of Longreach (population 3000) the next morning, we leave the National Executive to official business, and visit the Stockman’s Hall of Fame. A museum devoted to outback heritage, the big attraction here is the daily Outback Stockman’s Show. The star is bushman Luke Thomas and his lively cast of four-legged friends. Luke is a horse breaker, drover, bush poet, and bullocky. The live show incorporates trick riding, a bullock team, sheep-herding demonstrations, and the most grey nomads ever assembled in an audience at any one time!

Longreach also plays host to the Qantas Founders Outback Museum. Australia’s largest airline first grew wings in this region in the early 1920s, and the major display is a grounded Boeing 747. In 2002, a brave Qantas pilot landed the jumbo here at an airstrip half the length and width the plane was used to negotiating. The old girl deserved a spell, flying 82.54 million kilometres over its career, the equivalent of 100 round trips to the moon.

After a stroll through the aviation museum, we head into town and meet up with local AWU member Ron “Tolly” Bowden. Now 66, Tolly (the nickname was inherited from his father who was
born in the back seat of a Talbot motor car) has been an AWU man since the age of 17.

A shearing contractor, Tolly retired as a working shearer four years ago. His mind says he still wants to shear, but his once-powerful body’s not listening. “My knees are shot. They’re pretty much made out of titanium these days and all the cartilages have worn away,” he says. “Your whole body’s got to be strong for shearing. A young man can take it on for a while, but it’s back-breaking, competitive work. You can count them on one hand, the people who want to do it.”

We drive to a nearby property, Rio Station, nervously dodging bouncy grey kangaroos on the road there. As we enter Rio’s gates, we’re met by an inquisitive emu, a watchdog of sorts. “I don’t know his name. I just call him ‘get out of the road, bastard,’” Tolly laughs. Later, Rio’s owners Nic and Carley Walker tell us that the emu’s name is Stan – a permanent fixture on the farm since being reared as a chick.

Tolly takes us to the shearing shed. Although a current workplace, inside is an antique wool press and a set of scales that, at a guess, would’ve been used in 1891. The station has 4000 head of sheep in its paddocks, a sharp decrease from the days when Australia rode on the sheep’s back.

“More farmers run cattle these days, and dingoes have been giving us a bit of a hiding this year. Dingoes, pigs and hawks are pushing sheep numbers down,” Tolly says. Fewer sheep means fewer shearers, and fewer shearers means fewer AWU members. “I’ve been in the game a long time, and you’re better in the union than out of it,” Tolly says. “A lady from round here got her arm cut off a few months back in a workplace injury. It’s a sad story, but if she was a member of the union, the AWU would’ve looked after her.”
Another significant battle in Queensland’s industrial history played out in 1911. Sugar workers went out on strike demanding an eight-hour day in a 48-hour week with guaranteed wages.

Towns up and down Queensland’s coast near Bundaberg bore witness to months of violence, rioting, and crop burning. Non-union labour was hastily assembled from Victoria and Tasmania, much to the workers’ frustration.

In the wash-up, a uniform wage structure was implemented throughout the industry, initiated by the Amalgamated Workers Association (AWA), now the Australian Workers’ Union (AWU).

“My knees are shot. They’re pretty much made out of titanium these days.”
POSTCARD FROM...

Go to the heart of the labour movement and you’ll find Bill Ludwig. Go to AWU National President Bill Ludwig’s heart and you’ll find the Australian Workers’ Union. Here, Bill talks to Michael Blayney about his “roaring days” as a shearer and how the rough-and-tumble of rural work shaped his core values – and his commitment to making things better for his fellow workers.

Bill Ludwig is sitting on a Longreach bench, waiting for a bus to arrive. He’s not the only one. All 22 members of the AWU National Executive will be taking the hour-long journey to Barcaldine, the birthplace of the Australian labour movement. For local boy Bill, the outback Queensland setting stirs strong memories.

“I was born in Longreach and I learned to shear here, so this part of the world is very special to me,” he says, with pride punctuating every word. “I actually get a bit emotional coming back. This is where I learned to be a unionist. This is where I found my political voice.”

After many years, the AWU National President and Queensland Branch Secretary has returned to his old stomping ground for a meeting of the Executive – and a celebration of the first meeting 125 years ago. Although the official business of the week will focus firmly on the future, the event is also a time to reflect on the continued strength of the union. More than most, Bill is responsible for this achievement.

On the bus, the trade union icon’s commentary provides the perfect antidote to a landscape that offers very few surprises. There’s the story about leaving a shearing shed on the eve of his 21st birthday in the...
middle of a cyclone. He made it to the local pub the next morning for “dawn service” and a coming-of-age celebration, only to be on the receiving end of a dressing-down by the publican who’d been illegally serving him beers for half a dozen years.

When the bus rolls through Ilfracombe, Bill casually mentions that the town’s only hotel, the Wellshot, was once owned by his grandfather. “They were building the railway at the time, and every time there was progress and the workers moved camp, he’d move the pub with them.” Ilfracombe was the Wellshot’s final resting place.

It’s entertaining stuff. When Bill gives the union game away, a whole new career as a regional tour guide could be on the cards.

As a shearer, Bill first worked this area as a 16-year-old. Although standing well over six feet tall, his height was no impediment to success in the sheds. Well known as a “gun shearer”, he’d rack up big numbers day-in, day-out. Three times he sheared 300 sheep in a day – in some ways, the shearer’s equivalent of a ten-pin bowler’s perfect 300 game.

“Most shearers are good athletes, and I was a good athlete as a kid,” he says. “I was fortunate that on the occasions I got the 300 I had a clear run. One of the biggest obstacles in shearing is getting a consistent number of sheep coming through, but yes, it was quite an achievement in those days.”

His remarkable shearing feats have even prompted rumours that the Jack Thompson character in the classic Australian film Sunday Too Far Away was based on Bill. It’s a good story, but he’s having none of it.

“Nah, that was set in South Australia or Western Australia, wasn’t it? It wasn’t a bad yarn, though, and it was pretty close to the mark. There was a fair bit in that movie I could relate to. Shearing was a bloody competitive job.”

Sunday Too Far Away, in part, documented the 1956 shearers’ strike, a nationwide dispute pitting grazier against shearer. This episode in Australian history was a turning point in Bill’s life. Before 1956, he was a young, knockabout bloke travelling from shed to shed without a care in the world. After the strike, he was a committed activist, an AWU man who would do anything for the cause.

“It made no sense to me at the time, and it makes no sense to me now. The graziers were getting more money than they’d ever seen in their lives, and they took it upon themselves to reduce our wages. There was no logic to their argument whatsoever. I suppose you could say that the strike galvanised my views, and I never looked back,” he says.

The strike lasted 11 long months in Queensland, and the acrimony still hovers like a low-lying cloud over Longreach to this day. “It was a very bitter dispute. Some of the things we got up to you wouldn’t get away with today. We’d all end up in jail.”

When local farmers finally twigged that teaching scabs to shear was proving to be an expensive exercise, the shearers came out on top. Despite the victory, Bill’s enthusiasm for the contest during the dispute resulted in a temporary set-back. No cockie in the whole of Queensland would employ him, and he was forced to move to western Victoria in search of work.

In 1970, he returned to Queensland and the region, this time as an AWU organiser. “I was known in the sheds, so I had a head start. It was all about listening to the workers, explaining the benefits of being in the union, and achieving what was achievable. That’s not a hard story, and it’s still the same story today,” he says. “I’ve always found that if you keep believing in what you believe in, and you stick at it, you usually succeed in life.”

In the years since, Bill has progressed patiently through the ranks. From 1982 to 1988, he was Queensland’s South Western District Secretary, and although his working life may be approaching twilight, he believes there are many challenges ahead for the union movement, such as abolishing the ABCC – the Australian Building and Construction Commission – for one.

“The commission is a pain in the arse. There was undisciplined behaviour by some unions, but that still doesn’t make the [formation of the] ABCC right,” he says. “We’ve had some big struggles over the years and this is another one. We’re all equals in this world, but the workers in construction aren’t equal, and that’s wrong.”

Approaching the halfway mark of the Gillard government’s term, Bill is pragmatic about the political necessities that are being negotiated. “The Labor Party and Julia are in a difficult position with a hung parliament, but as bad as it is now, Abbott will make it worse if he’s given half a chance.”
FOND FAREWELL FROM A DELEGATE

After being duly elected from the membership, I became the AWU delegate for Queensland’s Gateway Upgrade North Project back in 2007. Working on issues important to working conditions and occupational health and safety made me realise that it is people who make a union and there are many people whose commitment is inspiring. I’d like to thank AWU Organiser Barry Martin who always made time to listen to members and worked hard at helping us maintain our rights and conditions. The Health and Safety Team for their diligence, and all those people from different backgrounds, outside the union, who found the union a strong backbone that could (and would) make changes. These people believed that the wellbeing of the worker was more important than meagre legacies of concrete.

It would also be remiss of me not to acknowledge those people in management who were willing to address problems and work with employees to provide solutions. And I’d also like to thank the AWU and its officials for advice and support and for providing me the insurmountable experience gained while I was a delegate. I have had an exciting time and relished the challenges of standing up for the underdog.

Justin Durham
AWU Delegate for the Gateway Project, Qld

OUTSOURCING

A place I worked at some years ago had put work functions up for tender, so the evils of privatisation inspired me to write a poem. I’m sure many members will understand the sentiments!

Andrew Guild

SALT MINES R US!

All the staff are now waiting on the details of the victorious contender; wanting to find out who the winner is of the brand new contracting tender. But we understand that the favourite is an upcoming Siberian firm.

Wild rumours abound, regarding the bids for a three year term. We shouldn’t really mind it too much – indeed, some of us have become very keen as the contractor’s bid has a great clinching clause; and it’s the best offer that we have seen.

We’re all psyched to be good happy workers, and no pay rise will we selfishly seek. Because soon they’ll be giving us free pizza on the last day of each working week!

This process is certainly worth it; it is surely a great stroke of luck, To be able to scramble for lowly-paid jobs and sell your soul for a damn lousy buck.

HAVE YOUR SAY IN YOUR MAGAZINE.

Send correspondence to members@nat.awu.net.au or Australian Workers’ Union, Level 10, 377-383 Sussex Street, Sydney, NSW 2000. All letters and emails must include the sender’s name along with address and phone number for verification purposes (these will not be published).

By submitting your letter for publication, you agree that we may edit the letter for legal, space or other reasonable reasons and may, after publication in the magazine, republish it on the internet or in other media.

Views expressed on the “Mail Call” page are not necessarily those of the AWU.

FOND FAREWELL FROM those of the AWU.

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FONDS FAREWELL FROM those of the AWU.

YOUR MAGAZINE.

FOND FAREWELL FROM those of the AWU.

MAIL CALL

Your news and views

WHY THE AWU?

After leaving the RAAF and joining BAE I was introduced to WorkChoices and Australian Workplace Agreements. I soon became interested in helping reform our conditions and pay and was elected onto the consultative committee representing our workforce. After a short period I joined the AWU in June 2008, as a means of insurance for job security and to enhance my awareness of my rights at work. It became apparent after a couple of initial positive changes that the consultative committee had lost support of our management team with various proposals stonewalled. It was with no surprise that soon after it lost the support of the workforce.

The workforce was then seeking a vehicle for change, one that would be heard. We required clarification on the conditions surrounding our AWAs and the transition to a collective agreement. Luckily, advice was on hand from fellow members of the AWU and my dad, a retired steel worker and former Federated Iron Workers’ Association delegate at Port Kembla. A number of us who were members of the AWU went to our local organiser, John Boyd, to seek guidance.

John organised a mass meeting with the aim of increasing our membership from around a dozen to a majority. Previous visits had resulted in only two or three attending, this meeting had 150! It was quite obvious a dramatic shift in the psyche of the workforce had occurred. Membership increased dramatically to the majority we required, we now had numbers and with it strength.

So began the process setting up the framework of a unionised workforce and renegotiating our collective agreement. Fortunately I was elected as a delegate, and became actively involved in these processes. Several factors helped substantially to provide for a very positive outcome. Firstly, the backing of a smart and articulate workforce. Secondly, the depth of work done by my fellow delegates Evan Lawless, Luke Reeves, Dave Morley, Lenny Dykstra, and John Burns; and thirdly, the collective knowledge that the AWU provided and the substantial help of people like Liam O’Brien, Richard Downey, Zoe Angus and last, but by no means least, John Boyd.

Barry Mulder
Aircraft Maintenance Engineer, BAE Systems Williamtown, NSW
The Australian Workers’ Union will be closely monitoring a court case where three companies and a company director are being prosecuted for the underpayment of Filipino workers employed in Western Australia’s offshore oil and gas fields.

“The union was shocked when the members of our MUA-AWU Offshore Alliance came across this case earlier this year,” AWU National Secretary Paul Howes said. “Our members were stunned by what they felt were the slave-like conditions these Filipino workers were forced to endure.”

Once the AWU and MUA were alerted by their offshore oil and gas delegates, they immediately asked the appropriate legal authorities to investigate.

“They agreed with the union that there is a case to prosecute Pocomwell Limited – a Hong Kong-based company, Supply Oilfield and Marine Personnel Services (SOS) from the Philippines and the West Australian-based company Survey Spec, and Survey Spec’s sole director Thomas Civiello,” Paul said. “In an industry reporting billion-dollar profits, these workers were earning less than $3 per hour. The union has been campaigning hard to ensure they receive the hundreds of thousands of dollars’ back pay they are owed.”

The US State Department recently released a well-regarded annual report on human trafficking and noted that labour trafficking was on the increase in Australia.

“The report suggests Australia is not doing enough about the slave-like conditions of guest workers in key industries,” Paul said. “The report also correctly called on the Australian government to consider important changes to our criminal laws to prosecute labour trafficking.”

Paul said the AWU was now working with the federal government and major resource companies to insist that the head contractors on offshore oil and gas fields took more responsibility for the treatment of all workers involved in their projects – right across the labour supply chain.

Last month the union wrote to 15 oil and gas companies – who Survey Spec cited on its website as clients – informing them of the impending legal prosecutions against the company by the Fair Work Ombudsman, for knowingly being involved in contraventions relating to failure to pay statutory minimum wages.

“We want to make sure no companies in the industry can claim ignorance,” Paul said. “We hope the results of this court case will set new benchmarks for the industry’s employment of guest workers.”

The AWU has long accepted that the demand for Australia’s resources could mean the need to import some labour – if local workers were not available for the work. However, the union has always maintained that these workers must be treated decently and be able to earn the same wages Australian workers would expect for the same job.
QUEENSLAND

LIFE SWEET AFTER FOOD POISONING SACKING

For James Hardie employee Ken Mourilyan, the bitter taste of losing his job for going home sick when he had food poisoning has been removed by the sweet one of reinstatement, following AWU assistance in securing a decision at Fair Work Australia to overturn his dismissal.

Ken’s wife Wendy suffers from Parkinson’s disease, and needs someone at home to look after her, which means that when he’s on night shift, his sister-in-law has to look after her. On the night in question, however, she was unavailable and Ken and Wendy decided Wendy would be able to look after herself without help for one night.

Ken had written “sickie?” on his own copy of his roster to remind himself that he might need to take time off that night. But coincidentally, that night he himself became ill after eating chicken which had gone off. When James Hardie management began inspecting his personal possessions and discovered his copy of his roster it used it as an excuse to sack him, despite his unblemished history of 11 years with the company.

The AWU office took the case to Fair Work Australia, and Ken won his job back. Fair Work Australia Commissioner Ingrid Asbury said there was no valid reason for Ken’s dismissal and that he was not guilty of serious misconduct amounting to fraud. She ordered that he be reinstated and that he receive the pay he was entitled to in the period between his dismissal and getting his job back.

She wrote, “In circumstances where Mr Mourilyan had 11 years of service; an otherwise unblemished record; and his wife was known by James Hardie’s managers to have a serious medical condition, he should have been given the benefit of the doubt.”

QUEENSLAND

OFFICIALS TAKE TO THE ISLANDS

In mid-July, Queensland Branch Assistant Secretary Ben Swan and Far Northern District Secretary Darryl Noack travelled to the tip of Queensland to visit members on Thursday Island and Mer Island.

Despite the remoteness of their location, the AWU continues to represent many workers throughout the Torres Strait communities. The officials met with QHealth and local government delegates and members on Thursday Island, followed by a mass meeting of local government workers on Mer Island.

On Mer Island, AWU members are presently contesting against the underpayment of wages with the Torres Strait Island Regional Council (TSIRC), where workers have been advised of a potential 268 redundancies. The AWU is holding discussions with both the council and the State government over potential job losses throughout the TSIRC, and is hopeful that appropriate funding arrangements can be concluded which will avoid the need for redundancies.

Ben Swan said of the trip, “The AWU is a big union operating in a big state, but no matter where our members are, we will always be at the forefront in representing their industrial interests and making sure their views are heard. This is certainly the case with our visit to Mer, and Darryl and I were very honoured to have been invited to speak with AWU members on their traditional ground.”

Left to right: Far Northern District Secretary Darryl Noack with John Passi (AWU member), Assistant Secretary Ben Swan and Doug Passi (President Mer Gedkem Le).

QUEENSLAND

QUEENSLAND BRANCH HITS THE DIRT TO REACH OUT TO THE REGIONS

For a state the size of Queensland, the tyranny of distance can be profound. But with its ability to reach into regional and remote communities, the AWU Queensland Branch makes itself accessible to its members and delegates.

Earlier this year, Assistant Secretary Ben Swan, Industrial Advocate Peter Eldon and Trainer Jim Wilson hit the road from Brisbane to Roma, Bundaberg, Rockhampton, Townsville, Cairns and Barcaldine to meet more than 240 workplace delegates from QHealth and local government in training and information workshops.

Ben said it was an ideal way for officials to come to grips with local issues affecting members and to inform delegates of the steps being taken to address industrial relations matters in these industries. “By meeting our delegates through this trip, officials of the union are in a better position to understand the issues affecting members and to work with them to come up with good outcomes. It was encouraging to see a lot of delegates travelling from far afield to attend our sessions,” he said.

QUEENSLAND

AWU MEMBERS AT BRISBANE CITY COUNCIL DELIVER JOY TO FLOOD VICTIMS

In the aftermath of the floods which devastated much of Queensland, AWU members working for Brisbane City Council decided to take it upon themselves to help out some of those who had been affected.

After making initial enquiries, they decided to donate through an organisation called GIVIT. Within 12 days of making their donation, they were informed that several new washing machines had already been delivered to those in most urgent need.

Encouraged by the swift action of GIVIT, they then made a more significant donation in the knowledge that GIVIT could meet the needs of people in affected areas, and that every dollar donated would be used to help those in need.

Food was donated by the AWU office and the Queensland Branch made a significant donation as well.

Below is an excerpt from a thank-you letter by Juliette Wright, founder of GIVIT, to those AWU members who donated.

“I would like to acknowledge the [council’s] Owner Drivers Group, on behalf of GIVIT and the Fernvale distribution centre. The incredible contribution from their personal funds has totalled over $10,000, which has allowed us to buy 17 washing machines and several fridges for those who were deeply affected by the floods in the Fernvale region.

The farmers and families affected are a proud group and would still be hand-washing and living out of eski without your phenomenal support.

Eighteen families have now been assisted thanks to the...”
Nurses, police, fire fighters and other frontline workers stopped work earlier this month to mount a rally protesting the slashing of public sector workers’ rights by NSW Premier Barry O’Farrell.

The event in Sydney on June 15 saw more than 12,000 union members from across the state turn Macquarie Street outside Parliament House into a sea of flags, banners and umbrellas. The rain was no deterrent and the crowd’s chants of “Two, four, six, eight, Barry O’Farrell, you have no mandate,” were loud and angry.

Asked what they thought of the wages cap of 2.5 per cent and the crippling of the Industrial Relations Commission, supporters’ responses were unanimous and in many cases unprintable. However, Railcorp AWU delegate Anthony Garay said, “Every time we have negotiations, it gets harder and harder and two-and-a-half per cent is just absolute bull@#$t! That’s below inflation – no family can live on 2.5 per cent.”

Ashfield Fire Brigade station officer Paul Driver said, “It’s draconian. It is undermining our basic rights. Every year, when [Parliament] clears the public gallery, they give themselves another 6 or 7 per cent superannuation rise and then another 4 or 5 per cent on wages. They don’t earn their wages as it is. In the fire brigade, we settled for… 2.5 per cent, which isn’t good enough. It doesn’t even keep up with inflation.”

Addressing the swelling crowd on Macquarie Street, ACTU secretary Jeff Lawrence spoke of the unions’ successful Your Rights at Work campaign, which led to the death of the Howard government’s unpopular WorkChoices laws.

“Governments will take any opportunity to attack workers’ rights, whether they be in the United States, United Kingdom or right here in Australia,” he said.

Speakers at the event included Unions NSW President Marilyn Issanchon and Paul Connell from Public Works NSW, but Premier O’Farrell declined to face the masses.

Unions NSW secretary Mark Lennon told the crowd there was no evidence public sector wages in NSW were out of kilter with those in any other state.

He urged workers to continue their efforts until the legislation was repealed.

Judith Kiejda, Acting General Secretary of the New South Wales Nurses Association said, “They’re going to ‘Wisconsin’ the world,” referring to a law proposed by the US State of Wisconsin’s Republican Governor Scott Walker to cut wages and conditions with a ban on collective bargaining for many public sector workers.

That law was passed in March this year.

Fittingly, the union rally – the biggest in Macquarie Street in more than 20 years – was held on the eve of the anniversary of the formation of the AWU 125 years ago.

In a letter from the Fernvale Flood Recovery Distribution Centre, Peggy Towne wrote:

“What a difference these beautiful goods have made to the flood-affected lives in our area. We have had tears of joy; we have had “gobsmacked” faces, there have been hugs like you wouldn’t believe and most of all we see renewed hope that [the victims’] lot is now improving. It is hard to describe the difference this makes for so many, as I know how much this support gives them the drive to push forward.

They are coming in to thank me and give me hugs! Your team’s generosity makes me feel like Santa. I love it. Too many have had their insurance claims declined and a few have had the Premier’s fund claims declined (because from their records they aren’t in a flood-affected area).

I no longer think of this area as the forgotten valley, but the valley with much hope.”

AWU members at glass manufacturer Viridian have completed a Certificate II in Manufactured Mineral Products as part of their on-the-job competency training. This is a nationally recognised qualification and improves their employability, either at Viridian or in the future with another relevant organisation.

The certificates were presented by federal minister for Human Services and Social Inclusion Tanya Plibersek, with Viridian managers and AWU Greater NSW State Secretary Russ Collison present.

Minister Plibersek discussed the importance of workplace educational programs, the Labor government’s improvements to anti-dumping efforts, and the impact of the carbon tax on industry. And she acknowledged the importance of the AWU in advocating to government on issues that affect its members.

The glass manufacturing industry is identified as one that requires government support, with Viridian receiving an approximate discount of 94 per cent against the coming carbon tax price of $23 per tonne, leaving it to pay just $1.40 per tonne on its carbon emissions.

Russ Collison said, “All sites should consider implementing work-site training in to nationally recognised training packages to allow for transportability of skills. The Labor government is offering training packages which will help workers improve their skills.”
GREATER NSW
MEMBERS BREATHE EASILY OVER IMPROVED WORKING CONDITIONS AT BOC

When they went into battle with gas company BOC, AWU members focused their initial negotiations on the first substantial improvements to workers’ conditions at the company since the removal of the Howard government’s draconian WorkChoices legislation.

The substantial improvements they achieved included:
• Guaranteed accrual of leave and superannuation while a worker is receiving workers’ compensation
• Improvements to the consultation process with the introduction of major workplace changes
• Delegates’ rights and access to union training
• OHS employee committee representatives having a choice of either union or employer-accredited OHS training courses
• Establishment of a quarterly consultative committee

AWU State Secretary Russ Collison said, “These are substantial and important improvements that guarantee workers’ conditions. All workplaces need to be vigilant to ensure their agreements protect and enhance their conditions of employment. There is no use in having high pay when there is no job security or no say in the running of the business.”

GREATER NSW
QANTAS EBA CAMPAIGN READY FOR LIFT-OFF

AWU members at Qantas Aircraft Appearance at Jet Base, Mascot, have been in negotiations since early June, but have been campaigning to build the union’s strength since early May.

Workers have recently been joining the AWU with well over 80 per cent of these Qantas employees now belonging to the AWU. Three new delegates have been elected and have joined AWU Organiser Paul Farrow to negotiate the new agreement. Key issues in the negotiations include rostering, job security and pay.

Qantas is in heated negotiations with other unions in its various business units. It is important that AWU members in the Aircraft Appearance section are well organised and united in preparation for their negotiations.

GREATER NSW
JOB LOSSES CEMENTED AT KANDOS

Cement Australia has closed its manufacturing operations at Kandos, NSW, after 97 years. This devastating blow to the local community will see almost 100 employees losing their jobs.

Many Kandos AWU members have worked there for more than 25 years, forgoing higher wages in the mines to keep valuable experience and knowledge at its cement factory.

Cement Australia blamed the higher Australian dollar, cheap imports and the high cost of transport as key factors in the decision to close its operations.

Labor federal member for Hunter, Joel Fitzgibbon, visited the site with AWU officials Stephen Bali and Alan Haynes before its closure. He consolated members, inviting them to call him if he could offer them help.

Long-term AWU senior delegate Brett Gallaher believe the closure will have an adverse impact on the local community, with workers being compelled to find alternative employment, and the likelihood of some relocating to other towns.

Chifley Financial Services has provided financial advice for Kandos workers. Its general manager, Brad Storey, said, “Many workers were retiring, and given the substantial redundancy payouts, this is their last major form of income, and it must be managed and protected for the rest of their lives.”

NEWCASTLE
BAE SYSTEMS WORKERS WIN BACK THEIR VOICE

In 2005, the Newcastle Branch made a decision to organise the aviation industry in Newcastle, which meant BAE Systems, Jetstar and Boeing.

Its plan was simple: to organise the three sites, and find a suitable union candidate to take responsibility for aviation.

It appeared to be a good plan until the union ended up in a dispute with BAE. Since 2005, it has had many meetings at BAE to try to unionise its workplace. However, it managed to secure little or no interest because all the company’s employees were employed under AWAs and could therefore see little or no value in joining the AWU.

Last year, the union finally raised some interest as employees were not sure whether their current AWAs were valid, or if they were employed under a different contract. They also believed any agreement they were employed under would terminate in October 2010.

Investigations made by the AWU with Fair Work Australia established that the workers were covered by a collective agreement that ends this October, 12 months later than they had expected any contract they were employed under to expire. They called on the AWU to find out what had happened.

AWU National Office Industrial Advocate Zoe Angus looked into the matter and found that during the period of WorkChoices, the entire BAE workforce was signed up to identical (or near-identical) AWAs. The notable difference between them was that they all had different expiry dates depending on the date on which they were signed.

Sometime in March 2008, the new Labor government passed legislation banning all future AWAs, which left the company with only the option of bargaining collectively with its employees. Existing AWAs remained legally binding until they expired and BAE decided to bargain with a select group of employees on expired AWAs. That small group then approved a collective agreement and as the AWAs for each other employee expired, the company quietly and sneakily transferred them over to the new collective agreement, which was, in effect, a mirror copy of the old AWA.

The anger this evoked led to many workers joining the AWU to make sure their
NEWCASTLE

AWU OFFICIALS VOTE WITH FEET TO SUPPORT THE COMMUNITY

On May 28, AWU Newcastle Branch Assistant Secretary John Boyd, his wife Dianne and daughter Kayley, took part in the annual Stockton Breakwater to Birubi Point beach walk to raise funds for the Westpac Rescue Helicopter Service.

The service provides transportation for sick and injured people to hospitals throughout the Hunter region and is funded by donations from members of trade unions, businesses and the general community.

Newcastle Branch officials and members are keen supporters of the service and have been involved in many past fundraisers, seeing former officials taking part in bike rides and walks.

John’s undertaking was a 32km hike on sand, which took around seven hours to complete, and he said he was very happy to reach the finish line without having to call on the chopper for assistance, as it would have made life unbearable in the office!

The branch understands first-hand that the service is not only essential to the local community, but that it has also provided emergency transportation for union members who have been involved in workplace accidents.

The walk raised a whopping $10,945 to help keep the chopper viable. John extends his thanks to all who contributed to this great cause.

To support the community, AWU officials vote with feet.

PORT KEMBLA

TRAFFIC FIRM RTMT COUGHS UP IN A ROUNDABOUT WAY

Scott Watson had been employed as a traffic operations supervisor by traffic control company Road & Traffic Management Technologies (RTMT) from January 2008 to December 2009.

When he wanted to leave the company, Scott told RTMT he wished to give two weeks’ notice. However, the employer did not accept this and instead advised him to cease work immediately that day.

Scott did not receive payment for accrued annual leave entitlements and was not paid for work performed on rostered days off. Yet, his attempts to recoup money owed to him proved unsuccessful and he approached the AWU for assistance after RTMT had allegedly responded to the effect that, “We’ll see you in court.”

In July 2010, RTMT advised the AWU that it accepted the validity of Scott’s claims and that his outstanding entitlements would be paid by August 25, 2010. Yet, no money was received and the AWU commenced proceedings before the Chief Industrial Magistrate’s Court on Scott’s behalf.

Three separate attempts by the court to get RTMT and its representative to appear proved unsuccessful and the matter eventually went to hearing on April 18. In the company’s absence, the AWU made detailed submissions in support of Scott for recovery of the money owed and the imposition of penalties against RTMT.

The court decision handed down on May 26 found in favour of Scott and the AWU. He was awarded $7211.40 in gross payments representing unpaid annual leave and wages owing at the time of termination. In addition, he was awarded a sum of $353 in interest, as claimed on his behalf by the AWU.

In its submissions, the AWU had sought for penalties to be imposed against RTMT and for those penalties to flow to Scott rather than to the coffers of the Consolidated Revenue Fund of the Commonwealth.

The Chief Industrial Magistrate Court imposed total civil penalties of $33,000 against RTMT, of which Scott was awarded a sum of $7500, with the balance to be paid in equal shares to the AWU and to the Consolidated Revenue of the Commonwealth.

The AWU’s Wayne Phillips represented Scott and said, “I’m pleased for Scott, he was a good employee of RTMT, and through our intervention and persistence we have secured him a very good outcome.

“The decision comes as vindication for Scott and the AWU Port Kembla Branch, and should serve as a reminder to employers that they must abide by the Fair Work Act 2009, or face significant penalties.”

At the time of reporting, Scott and the AWU were in discussions with RTMT about the payment of all monies owed. “RTMT wanted to have some sort of payment plan but this is not acceptable,” Wayne said. “We have made another application to the magistrate to have the orders enforced.”
PORT KEMBLA

SUCCESSFUL REINSTATEMENT AT ASMS

After Helmut Schuster was dismissed by Australian Steel Mill Services (ASMS) in December 2010 for what it considered a serious breach of an isolation procedure, the AWU Port Kembla Branch lodged an unfair dismissal application before the NSW Industrial Relations Commission (IRC) on his behalf.

Helmut had been engaged as a plant operator by ASMS which services the slag-handling contract for BlueScope Steel Port Kembla. He had been employed for 18 years at ASMS at the time of his dismissal, and as he had expressed remorse over his conduct at work, the AWU sought his reinstatement.

The matter was programmed for arbitration after protracted conciliation conferencing failed to resolve the issue. A hearing was set down for May 10.

AWU Assistant Branch Secretary Wayne Phillips represented Helmut in the hearing, calling him to give evidence. ASMS produced four witnesses during the arbitrary hearing to give evidence supporting the dismissal.

The AWU made submissions reflecting Helmut’s previously unblemished employment record with ASMS over 18 years, his prospects of re-employment within the Illawarra region, his personal situation and organisational factors.

In all circumstances, the AWU submitted that his dismissal had been harsh, unjust and unfair.

Wayne argued that in Helmut’s case, the “the punishment did not fit the crime”. Helmut had been candid when confronted with the allegation that led to his dismissal, had been apologetic and had assured the manager of ASMS that there would be no reoccurrence.

In its deliberations, the IRC referred to the evidence and decided to reinstate Helmut in his employment with ASMS.

AWU Port Kembla Branch Organiser Boris Baraldi said, “I remember saying to Helmut that Wayne and I would do whatever we could to get his job back. He struck me as an honest, hard-working bloke who, through his eagerness to get the job done, had made an error of judgement leading to his dismissal.

“We spent the best part of half a day together preparing his evidence, so I’m really happy for him and his family that the AWU was able to mount a case that the IRC viewed as sufficient and compelling enough to order his reinstatement.”

Helmut said, “I’m rapt. The AWU and the decision of the IRC has given me my life back. I’m a single dad looking after two daughters, and this decision has secured my future again.

“Wayne Phillips had said to me, ‘Nothing ventured, nothing gained', Helmut, let’s give it our best shot’.

I had an exemplary record at ASMS and never had a problem until that incident. They, ASMS, tried to starve me out. I hardly worked during the seven months since I was dismissed and I struggled financially to maintain my home and look after my daughters. The AWU was able to get my old job back, and I’m stoked.”

VICTORIA

PUBLIC SUPPORT FOR CEMETERY WORKERS ALIVE AND WELL

AWU members at Altona and Fawkner cemeteries in suburban Melbourne went on strike in March, and public opinion was right behind them every step of the way.

This was not about better pay or conditions for AWU members, but simply a protest at falling standards of care at the cemetery properties. The action started at Altona, whose workers also care for the Williamstown and Werribee cemeteries, and quickly extended to Fawkner Cemetery.

The issue was straightforward – there were not enough people to do the job – leading to overgrown garden beds, weeds and generally poor maintenance standards.

The media picked up the story, giving it wide coverage. Distressed relatives and friends of those buried at the cemeteries visited picket lines to express publicly their support for the action, and it quickly became obvious the community was getting behind the workers.

After less than a week of negotiations between the union and the Greater Metropolitan Cemetery Trust, there was an agreement to lift staff numbers to allow the cemeteries to be properly maintained.

AWU Victorian Branch Secretary Cesar Melhem said the leadership of AWU Vice President Ben Davis, and the commitment of members to their jobs, were the key factors that led to success.

He said, “Here we had a group of people who had suffered months of abuse from distressed members of the public about a situation that was obviously out of line. None of our members thought near-enough was good enough for these cemeteries.”

“The AWU has close to 100 per cent membership at both Altona and Fawkner, which meant it could take a stand, with the knowledge that the workers had strength. The stoppages were conducted with a minimum of disruption to the public, and no funerals were cancelled as a result of it.”

VICTORIA

SAFETY CALLS LEAD TO QUAD BIKE BAN

After a death in regional Victoria brought the national death toll to 12 this year, the AWU’s Victorian Branch banned the use of quad bikes unless fitted with crush-protection devices (CPDs).

AWU Victorian Secretary Cesar Melhem said the number of deaths as a result of quad bike incidents, combined with the high number of injuries and near-misses, made the ban inevitable.

“The statistics are frightening. More quad bike riders die in agricultural settings each year than do [workers] in mining accidents.” Cesar said. “We were not prepared to stand back and allow our members to continue to risk life and limb while bureaucrats twiddle their thumbs and attempt to appease manufacturers, and other vested interests, by doing nothing.”

About half of all quad bike deaths are the result of roll-overs, which make CPDs an important safety measure, but not the complete answer.

Cesar said, “The centre of gravity on the bikes is too high, which maximises the possibility of rolling. Riders use their body weight to manoeuvre them, which further increases the risk. If it is necessary for a rider to use his or her body as an aid to safety, the machine must be at the limit of its stability. There is a real need for manufacturers to rethink their design.”

As the debate over improved safety measures continues, there has been industry and media interest in the ban from around the country, and as far afield as New Zealand, but there are signs the message is getting through.

The Victorian Department of Sustainability & Environment “parked” its quad bikes until such time as a risk assessment deemed them safe for use. And while the Victorian Farmers Federation is sticking to its guns that it is up to farmers to decide how to proceed, its president Andrew Broad has acknowledged the AWU ban as the latest step in a systemic campaign to improve safety for workers.

He was reported as saying, “Unions have played a significant
brieﬁng

VICTORIA

IN BRIEF: WINS

AIR INTERNATIONAL WORKERS KEEP THEIR RDOs

Fair Work Australia has ruled that AWU members at Air International will be able to keep their hard-earned conditions after new owners attempted to strip them back.

AWU Industrial Officer Patrick Reilly and Victorian Branch Assistant Secretary Frank Leo took the case on after the company tried to renege on long-standing arrangements to pay members double time for overtime over two hours, and to accrue paid rostered days off during annual leave. The company backed down on the overtime issue just before the hearing, but pressed the matter of RDOs, which was eventually determined by Fair Work Australia in favour of all members.

MAJORITY SUPPORT DETERMINATION AT DEBCO

There has been another satisfying win in Fair Work Australia arbitration with a majority support determination at garden products manufacturer Debco for workers engaged in the production and sale of potting mix and other growing media.

The company argued the AWU was not entitled to represent this group of workers under eligibility rules, but the union successfully established that the work fell within the definition of “horticulture” and so is within the AWU’s rules.

Fair Work Australia also ruled that several management employees, whom Debco attempted to have covered by the agreement in order to influence the outcome of the vote, should be excluded, as sought by the AWU.

It also found that the AWU could meet its members in the “smoko” area, rather than the board room as the company had wanted.

ROSS RIVER VIRUS CLAIM JUST NOT WOOLLY

There are not too many winners when it comes to the nasty Ross River virus, but an AWU wool classer member has had a claim that he contracted the illness in his workplace accepted.

The AWU Victorian Branch member was working in shearing sheds in northern Victoria during the floods earlier this year, and living on the same property as he was working – which was therefore his workplace.

AWU Victorian Branch Pastoral Organiser Sam Beechey argued the case for members and declared it a victory for logic.

VICTORIA

AWU STRONG WOMAN MAKING HER MARK

AWU Geelong Organiser Tanya Green continues to hold up a name for herself in the world of powerlifting.

At the recent National Powerlifting Championship at Merimbula, NSW, competing in the 55.5kg division, Tanya improved on her previous personal best of 105kg, by lifting a whopping 107.5kg – a new world record.

If she can find a sponsor, she hopes to compete in the World Powerlifting Championships in Glasgow, Scotland, in November.

Her workmate at Geelong, Gavin Penn, who is a long-standing AWU organiser, said he never had any doubt Tanya would smash records.

Gavin said, “She’s a natural talent and she’s prepared to work hard for whatever she is going after, and that goes for her union work as well as powerlifting.”

Tanya said she is relishing her appointment as an organiser after some years as the administration officer for the AWU’s Geelong office.

ALCOA AGREEMENTS VOTED UP

AWU members at Alcoa Portland and Point Henry have voted up new enterprise agreements after negotiations stretching over months.

At both sites, eight months of hard work in negotiations resulted in agreements that gave improved and wide-ranging protection in the short and longer terms.

Key points in both the agreements include guaranteed protection for two years if a worker becomes ill or injured; full shift payout on retirement; 11 per cent pay increases over three years; protection of all policies and agreements; guaranteed training for delegates, and in the case of Point Henry for health and safety representatives as well.

AWU Victorian Branch Secretary Cesar Melhem said the outcome was particularly impressive in the current climate, with aluminium under pressure from the high-flying Australian dollar and widespread concern about the introduction of a carbon tax.

“There was a great deal of hard work and persistence by all our AWU delegates at Alcoa, but particularly our senior delegates Peter King at Portland and Brett Noonan at Point Henry. Congratulations are due all round,” Cesar said.
VICTORIA

HOW YOU CAN FIND OUT WHAT IS GOING ON EACH WEEK

Every week, the Victorian Branch sends out an update to members on what is happening. Once a month, it’s a special OHS edition – Safety Matters.

If you’re a Victorian Branch member and are not receiving these weekly bulletins, it is because we don’t have your current email address.

So, please make sure your details are up to date. You can visit our website at www.vic.awu.net.au, oremail Kerrie.elsley@awu.net.au and you’ll receive the bulletins.
TASMANIA

AWU DELIVERS FOR TASMANIAN DAIRY INDUSTRY

The AWU Tasmanian Branch recently secured enterprise agreements with Tasmania’s key dairy processing companies, promising solid outcomes for members into the future.

At National Foods, Burnie the manufacturer of specialty cheeses, including some voted the world’s best of their type, members recently signed a two-year enterprise agreement that increases hourly rates by 8.25 per cent within the first 18 months of its operations. Included in the deal was an increase for public holiday payments to double time and a half, as well as improved annual leave provisions for shiftworkers who only work a portion of the year on roster, along with other benefits.

Due to a $132 million investment at the site announced recently, which will increase its annual production capacity to 25,000 tonnes, AWU will increase its annual production at the site announced recently, which included in the proposed outcomes, “With exceptional delegates’ rights, an increase in the payroll of sick leave on retirement, and the flexibility to take leave across the production season. Delegates Phil Pine (whey and cheese plant), Robbie Sims (powder production), Rodney Carroll (butter production) and Stephen Brodzinski (transport and logistics) are pleased to have a deal ready to go.

AWU Tasmania Industrial Officer James Day said of these outcomes, “With exceptional delegates, committed members, and an intimate knowledge of the dairy industry, the AWU is proud to have delivered solid results for members in uncertain times.”

TASMANIA

LESS HASSLE AT TASSAL

A new enterprise agreement has been finalised at salmon company Tassal’s Huonville processing factory. AWU Tasmanian Branch officials and delegates negotiated from May to have an in-principle agreement in place by July.

If formally accepted by members, the agreement commences pay increases from July 1 and lasts for three years, until June 2014. At the time of writing, members are to vote formally on the agreement within the coming days.

AWU members will have achieved 3.8 per cent wage rise per annum, and an increase of compassionate leave from two to three days. They will also receive one week’s paid maternity leave and a top-up of the government maternity leave payments, with allowances also increased by 3.8 per cent each year.

There is a union delegate training and rights clause built into the agreement.

TASMANIA

ROAR OF SUCCESS AT LION NATHAN

AWU Tasmanian Branch officials and delegates finalised negotiating an in-principle agreement with Lion Nathan in late July on a new enterprise agreement at its Lenah Valley, Hobart, operation.

AWU members will see wages and allowances raised by 12 per cent, paid incrementally every six months over a three-year period.

Workers will also receive an increase in compassionate leave – up to three days from the present two days and also receive five days of paternity leave.

Maternity leave will include 12 weeks’ full pay – this is on top of the government’s existing scheme.

It has also been confirmed that Australian Workers’ Union delegates’ training and rights are included in the agreement.

SOUTH AUSTRALIA

JUSTICE FINALLY PREVAILS AFTER 16 YEARS IN INJURY BACK-PAY CASE

An AWU member working in the heavy engineering industry who suffered a significant workplace injury in 1994 when a forklift drove over his leg has finally received compensation of more than $75,000.

The member had believed his entitlements were being underpaid, but neither the employer nor the compensating authority would listen to his claims. When (finally) he came to see AWU South Australian Branch Workers’ Compensation Officer Natalie Morris in August 2009, she obtained a copy of the claims file and after going through it established that he had been underpaid since 1995.

A dispute was lodged at the SA Workers Compensation Tribunal in October 2009. After protracted conciliation, it was agreed that an underpayment had occurred. Orders were issued by the tribunal in June, 2010 about the correct weekly payment for each year from 1995 up to the finalisation of the dispute.

Forensic accounting for the income-maintenance back-pay calculated that the member was entitled to approximately $37,000, with interest at approximately $38,000, making a gross total of more than $75,000.

After tax, this came to a payment received by the member of almost $53,000, inclusive of interest.

The AWU persevered over three years to get the member his lawful entitlement at no cost to him, and it won him the entitlement he was unable to obtain on his own.

The upshot is that he no longer has to struggle financially, and the union has continued to ensure he gets paid correctly to prevent a similar situation occurring.

AWU SA Branch Secretary Wayne Hanson said of the outcome, “The financial result for this member is considerable. It demonstrates how the expertise of our people works in the best interest of our members.

“It is also indicative of the high level of commitment of our specialised staff, and particularly in this case our Workers’ Compensation Officer Natalie Morris.”
I come from a small mining village in the North East of England which is where unions have their roots. My father died when I was just nine months old and I watched my mum struggle to bring up my elder sister and me. Mum re-married and had two sons which made us a typical working class family with four kids to feed and not a lot of money.

I first became involved in the union movement in England when I started working at ICI in 1980.

I worked there for 10 years and during that time ICI went from employing 30,000 people to just under 10,000. There was a recession brought on by world affairs and the infamous Margaret Thatcher. I recall the devastating miners’ strike of 1984–85. Watching the hardship of those men gave me a true taste of why unions exist and what they stand for. One of my greatest memories is what true unionism is about: Sticking together and supporting the underdog.

I met my husband Ron in Kwinana Western Australia in 1989 while on a round-the-world trip with my mother. In 1990 he came to the UK to convince me to marry him. We arrived back in Australia and had just 90 days to get married or I had to leave the country. On the 89th day we married. That first year was tough as I had no family here. In September I began work at BP as a laboratory technician. In December my husband lost his job and was out of work for the next two years as recession hit. I became the breadwinner and also mum to Ron’s six-year-old son.

I became the laboratory representative as soon as I was out of my probationary period. A while later I became secretary of the AWU site committee at BP Kwinana in what is primarily a male dominated industry. There was some opposition at first, but the guys came to accept that I was in it for the long haul.

Eighteen years later I’m still in the job and I wouldn’t have it any other way. We’ve just renegotiated our EBA for the next three years and it was a difficult six months of negotiations but we got what we wanted in the end – 18.5 per cent over three years.

It was particularly difficult in the laboratory for a number of years after Howard’s WorkChoices was introduced. In 2001 restructuring at the refinery resulted in people in the lab being told to reapply for their jobs. There were 20 workers and after the redundancies there were 15 workers left. Only four people were left on the Award – including me. This didn’t sit well with management, but we waited and our patience paid off. All the people employed during the WorkChoices era were not given a choice, they were put on staff. They worked longer hours and in many cases for less pay per hour than the Award workers.

When Labor was elected in 2007 and changed legislation back in favour of the worker it was time to regain the ground lost. With the help of Sam Wood from the AWU national office we got people back on to the award system and off the BP staff agreements. This was because people had a choice to be part of a collective agreement or negotiate their own contract. We now have 14 workers on the Award, and each can tell their stories of what they were promised on staff and what wasn’t delivered.

Some of the main advantages of being on the Award are a 35-hour week, protection and representation by the union and collective bargaining. Not to mention a clear category structure and fair application of the agreement and awards.

I’m also secretary of the Independent Sickness and Benefit Fund – which is run by BP employees in Kwinana for the good of members. It covers things like sick pay if the company doesn’t pay you; and out-of-pocket expenses for things such as stays in hospital; and pharmaceutical and optical benefits.

My husband works as a fitter and has been very supportive throughout my time as a delegate – it can be tough when we’re negotiating, but he understands that the union is in my blood, and I couldn’t do it without him.

Our son, who has had sight and hearing disabilities since birth, recently had a motorbike accident and broke

“\"I recall the devastating miners’ strike. Watching the hardship of those men gave me a true taste of why unions exist.\"”
South Australia. He was also secretary of the AWU in South Australia.

At the moment the Union is acting on two disputes with Nyrstar. The first involves personal/carers leave and the second is about operators having to conduct maintenance work on site. The company is exploiting a clause within the current agreement that it was not intended for, so the issue will be going to Fair Work Australia. Their interpretation on workplace flexibility is that the clause allows all operators to conduct maintenance tasks once appropriate training is conducted, whereas the original intent is that operators with the appropriate trade qualifications can conduct the tasks.

We have had to go back into the history of the initial agreements with the company and research all previous agreements to get to the original intent of the clause.

My wife Lynda and I have been married for more than 20 years and have two children. My son is 18 and doing his HSC. He wants to follow in my footsteps and join the ADF to train as a diesel mechanic. Our daughter is 14 and in year 8 at high school, and enjoys horse riding and horse shows.

In my spare time I breed budgies. They are amazing birds and I like to breed them to get certain colour combinations. Our place is right on the edge of the Flinders Ranges and we feel very lucky to have spectacular views.

“I became involved in the union movement and the AWU in 2000 when I started working at Nyrstar Port Pirie lead and zinc smelter as an acid plant operator. I had spent more than 10 years in the army as a diesel mechanic before that, and there wasn’t a requirement for union representation in the army. After I left I joined SJ Cheesman as a mechanic and had experiences that made me aware of the value of being protected by a union. I asked for a wage increase, which was refused and subsequently I wasn’t treated very well by the employers, so I left.

I then joined Brambles as a casual mechanic in their light vehicle area within the smelters and that job gave me the opportunity to find out about being in a collective. After that I began at Nyrstar and joined the union. A guy called Ian Nitz was my mentor and encouraged me to go for the position of secretary of the Sectional Committee which represents AWU members on site. He is now retired and is a life member of the union.

I was appointed organiser in June 2009 after the previous organiser retired.

We have just moved offices after a swap of land titles occurred with McMahon’s Services. McMahon’s said they would move the building for us. It was placed on the back of a truck for transportation and somehow fell off! In the process there was a lot of structural damage and it was unsalvageable and had to be replaced. Our brand new office building is named after Jim Doyle, who is the longest serving member of the AWU and is a returned serviceman.

The building was officially opened in July by Paul Howes and Robert Sneath, the current president of the MLC of

“...experience made me aware of the value of being protected by a union.”
OUTBACK MATES:
The Indigenous communities
love their dogs.
(Right) Gloria and a volunteer;
(Far Right) in for a swim!

DESER T
DOGS
How does a Chilean native find herself living in a remote NT township in the first place?
“I initially migrated to Australia in 1989 to study art conservation. When I later became a conservator of Aboriginal art at the National Gallery of Australia, Canberra, I became curious as to where the art came from and visited Yuendumu to meet the artists. When I arrived, I felt an instant connection with the Warlpiri people and kept extending my visit, eventually landing a job as assistant manager at the Warlukurlangu Artists’ Aboriginal Corporation [a fully Aboriginal-owned and governed art centre]. Nine years later, I’m still here!”

What was it about the community that made you want to stay?
“I grew up in the country myself and I know it can be a cruel environment, no matter where you are in the world. Growing up, we had very little by way of material wealth or knowledge, so when I came here and saw the way the people were living, I could relate to them in a way I couldn’t relate to people in the big cities. And, after seeing the desperate situation with the local dogs, I knew I couldn’t walk away.”

What did you see that had such an effect on you?
“The town was completely overrun with local dogs – we’re talking 20 to 30 dogs to a household, and most of them in appalling condition. As an outsider, it would be easy to judge, but these people love their dogs desperately – they sleep with them in their beds under the same blankets – they just didn’t have the knowledge or means to control the numbers, and domestic dogs breed prolifically. Desexing dogs? They’d never heard of it.”

Is this what inspired you to set up the Desert Dogs program?
“It’s interesting because I never actively set out to set up a program, it’s something that evolved organically over time. Initially, I just started talking with the locals, asking them whether they wanted the dogs to be treated, and I was met with resistance. A lot of the elders don’t speak English and it’s not my first language so we had some serious communication barriers to overcome. Although they began giving me their unwanted dogs, they thought that when I said ‘dog control’ the police were going to come in and shoot the dogs. It took four years of me looking after the dogs and helping some of the locals remove some of their surplus dogs and take them to the Alice Springs RSPCA to gain their trust. In 2007, they finally agreed to allow a vet visit the community.”

The veterinary visits are an integral part of the Desert Dogs program. How does it work?
“With the council’s help and funding, we arranged for a vet to come out for two weeks. She worked day and night treating the dogs with health problems and putting hormonal implants in the female dogs...”
CARING FOR THE COMMUNITY

ADOPTING A YUENDUMU DOG

If you’ve already considered the responsibilities of adopting a new dog (cost, time, space), you can help Gloria by taking on one of her canine buddies. Dogs are $400, and as most of the dogs have been raised by Gloria, have impeccable doggy manners. Visit desertdogs.org.au for further information. Alternatively, you can donate to the art council at warlu.com and they will use the funds to continue their veterinary program.

so they weren’t able to get pregnant. With these implants, we were able to reduce the numbers of the canine population by more than half. The vet treated the locals with so much respect. Not once were they made to feel ashamed that their dog problem had come to this and so they were comfortable enough to allow the vet to come back twice a year.”

Why use implants? Why not desex them?
“Desexing is preferable but when we started, we were limited with time and resources, so implanting was the way to go. Desexing is still an option, but it takes longer and the council will only agree to foot the cost of sending a vet over for a three-day visit every six months. When you’re talking about 300 dogs in a community of 1000 people, you realise that’s just not enough time, so implants it is. Unfortunately, the implants only last a year, and our last lot were done over a year ago, so already the canine population is increasing. We’re now working on raising funds so we can increase the veterinary visits to four weekly visits a year.”

Not only do you run the program, but you still work full-time at the art centre. What’s a day in the life of Gloria Morales like?
“Exhausting! I’m a foster carer to all the dogs that I’m trying to re-home and at the moment, I have around 30 dogs at home that I’m looking after. I work from 9am to 6pm and then pile all the dogs into my car and take them for a three-hour walk. By the time I’ve fed them, cooked dinner and given additional care to the puppies and unwell dogs, it’s 11pm before I can sit down and eat my own dinner. What can I say? I’m lucky I can get by on four hours of sleep a night!”

How does the Warlukurlangu Artists’ Aboriginal Corporation help you with your work?
“The management strongly believes that ‘healthy dogs mean healthy people’, and as part of this program the centre feeds and cares for sick and abandoned dogs as well as advising community members how to better care for their dogs. I do the core work with Desert Dogs, but the centre assists with funding and also gives me flexibility in my day so I can help locals if they need me.”

What is it about the program that gives you the most satisfaction?
“Since we’ve started the adoption component of the program two years ago, with the wonderful help of Sandra Russell-Floyd and Roz Elliott, we’ve adopted 100 dogs privately and given 400 dogs to the RSPCA to re-home. Now, locals don’t only entrust me with their dogs but they’ve been coming to me with horses, cows and even injured rabbits they find on the street. Their spirit of caring is amazing – it’s such an important attitude and one I love to nurture. The other day someone said to me, ‘It’s not what you’ve done with the dogs, but the connection you’ve established with the community.’ I think she said it best.”
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Every good parent wants to raise happy, healthy kids. But getting it right is the tricky part. With one in seven Australian children experiencing mental health problems, we need to nurture our kids to ensure they grow up with healthy bodies and minds. Gill Canning investigates.
FABULOUS FOOD
The food we feed our kids is the fuel that gives them energy to work and play all day. If their diet is inadequate, they will most likely be unable to do everything they need to. And habits set in childhood often last into adulthood.

Setting them on the right path means being aware of how much sugar and bad fats your children consume.

“A child is entitled to a small treat most days, but this is not a necessary part of the diet,” says Clare Evangelista, dietitian at the Balance Diet Centre in Darwin, NT.

“Takeaway [food] every couple of weeks is acceptable. But a poor diet can put kids at risk of iron and zinc deficiency and lead to lethargy – not wanting to get up in the morning, not being able to last at tasks and not performing as well at school. A vitamin-deficient diet can also lead to problems with general behaviour.”

MOVE IT, BABY!
Physical activity is just as vital, says Clare.

“Exercise and physical activity is really important – not just for kids’ enjoyment and controlling weight – but it also encourages a healthy appetite.

“Most parents find it difficult to exercise for themselves, but if you plan a physical family activity you are bonding and having exercise time in one go. There’s no point sending your kids outside to play while you sit and watch TV.”

IT’S ABOUT TIME
By necessity, parents are big multi-taskers but sometimes it pays to stop and just spend some time with your child, one on one, giving them your full attention.

“We are so used to cooking dinner, supervising homework, and talking on the phone at the same time, but if you can give your child full attention for 15 minutes, doing their homework or something else that is just about them, it is very valuable,” says Karen Spitzer, educational and developmental psychologist with Kids First, Brookvale, NSW.

Childhood development expert at the Institute of Early Childhood, Macquarie University, Dr Cathrine Neilsen-Hewett agrees. “Making yourself available to your child gives them the message, ‘I love you, you are worthwhile and I want to spend time with you’. This leads to better self-worth and means that child is more likely to be able to form stronger relationships as they grow older and cope better in challenging situations.”

WELL DONE, KIDDO!
Your child’s drawing may be far from the best in the class but you can still praise their efforts with words like, “I love the colours you used.” Or, perhaps your child is kind, helpful, generous or has a good sense of humour – these are all things that can be praised and are generally qualities that never go away.

Karen Spitzer says we should praise our child’s good efforts and qualities from a very early age and never stop.

“Building good social and emotional health at a young age can avoid future mental health disorders like anxiety and depression. It can also lead to good self-esteem and resilience.

“Don’t, however, fall into the trap of telling your child that their every effort is perfect. If you think your child could do
better, try saying “You did a really good try, but what can we do next time to make it just a little better?”

“There comes a time when kids need some constructive criticism,” says Karen. “Brainstorm with your child for different solutions to the problem. This helps them develop good problem-solving and conflict-resolution skills. It also gives them the confidence to say what their wants and needs are non-aggressively.”

JUST CHILL OUT

Many modern kids are over-scheduled, juggling several different activities every week, including various sports, music or dance lessons, tutoring and play dates.

It’s important to find time for them to do nothing much at all, Dr Neilsen-Hewett says. “Kids who are feeling stressed from being too busy are more likely to suffer from depression or anxiety. Know your child, understand their temperament and what they can handle.

“Kids need room to have down time – time to regroup. They need to get bored and have to come up with something to do that is not organised for them. They need time to venture into the world of imagination. Imaginative play fosters cognitive skills, language development, memory skills, social relationships and the skills of negotiation, compromise and co-operation.”

Having a laugh together is also important, Karen Spitzer says. “Just before bed is a good time for this – maybe ask your kids what was the best thing about their day? This has the dual benefit of giving you a connection with them and them going to bed in a positive frame of mind.”

IT’S ABOUT LOVE...

This may sound obvious but it’s not enough to know that you love your child, you need to show them. Dr Neilsen-Hewett says this can be done from day one.

“Spending time with your baby, playing and connecting with them, giving them attention and responding to their needs – all this tells your baby that you love them. Consistency in rules and discipline gives their patterns of behaviour and a sense that their parents are there for them.

“Parents being sensitive and in tune with their children’s needs usually leads to babies who are better attached.”

As your child gets older, however, follow their lead when it comes to being demonstrative.

“At seven or eight, they might not want mum or dad hugging or kissing them in the playground. Some kids like it, some don’t,” Karen says. “At home, however, you can always say, ‘I love you because you are my child and because of these key qualities/characteristics’. Every kid will get teased at some stage about something – they need to know that Mum and Dad will always love them, no matter what, regardless of what happens. Even if they do something wrong, they need to know their parents still love them but may not love their behaviour.

If necessary, you can even give them a mantra like, ‘I’m okay, I’m lovable.’"
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