



# QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

73 SOUTHGATE AVE., CANNON HILL 4170 - Phone: (07) 3395 7215 - Fax: (07) 3395 7688 - Email: muaqld@mua.org.au

*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams* No. 105 - Wednesday 4 October 2017

## Successful Hutchison Member Meeting - Qube - Politics in the Pub - CFMEU Found Guilty of Coercion FWC Upholds Sacking - Annual Family Picnic Day

### Successful Meeting with Hutchinson's Members

ON THURSDAY 28<sup>th</sup> SEPTEMBER a successful 4 hour meeting was held with Hutchison members and other MUA comrades at the Seafarer's Centre at Fisherman's Island.

Many work related issues were debated openly and in a comradely fashion with issues hopefully resolved and the battle to be taken to the job.

Although by necessity I have to talk in vague terms, the very next day the members were tested by management on the job and the members fought back not only over this issue but also over attempts by Hutchison management to destroy the whole concept of wharfies doing lashing.



*Hutchison Member Meeting*

The Brisbane Terminal Management's continual picking up 'Short' lashing gangs has created much angst and problems on the job.

This is a blunt proclamation to Hutchison Management if you continue to pick up 'Short' the MUA will fight back. We are not going to see a basic fundamental of a Wharfies job, such as lashing, encroached by management. If you want a 'War' on the issue we will fight and we intend to win. Senior Hutchison management, this is the last chance to talk through the issue as far as the MUA Queensland Branch is concerned.

The sheer rudeness of management refusing to negotiate is unacceptable. Playing their childish games of not picking up the phone etc etc etc. Just to advise Senior

Hutchison management, we have a strategic and tactical plan to defeat your evil designs. You can run to your high priced corporation lawyers as much as you want but both your HR Department and your expensive legal team will be pulling your hair out in exasperation with what's in store. The ball is in your court.

We would also like to thank Assistant National Secretary, Warren Smith for his great contribution to the meeting.

### Qube Labour Review

THE FIRST LABOUR review under the recently concluded EBA was held this week in Brisbane. It was quite a long and difficult meeting as the first of its type generally are, as opposed to the above article on Hutchison's IR (the way of the Neanderthal). Given Qube is generally regarded as the toughest Stevedoring employer in Australia, there was still a spirit of outcome driven respect.

In the end we got 4 GWE's up to VSE's, another Grade 6 foreperson, A charge clerk permanently upgrade to a G5 and 11 GWE's and 9 supplementaries to be employed. The Branch thanks the committee for its hard work and also Damien McGarry's valuable contribution.

### Politics in the Pub with David Greene



*Wayne Swan, Michael Clifford and Bob Carnegie*

DAVID GREENE, THE Labor Candidate for Everton, hosted a Politics in the Pub event at the Arana Leagues Club on Friday 29 September 2017. The event focused

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

**73 Southgate Avenue, Cannon Hill QLD 4170**

on the topic of Inequality and the rise of Trump, Brexit and Hanson. Wayne Swan MP, the Federal Member for Lilley, and former Deputy Prime Minister and Treasurer of Australia, delivered a keynote address in which he highlighted rising wealth and income inequality in Australia and the impact corporate arrogance and greed is having on the Australian way of life.

Wayne's address was followed by a panel discussion, which included a Q&A from the floor. The panel consisted of Wayne, Michael Clifford the Assistant General Secretary of the Queensland Council of Unions, and Bob Carnegie, the Branch Secretary of the Maritime Union of Australia, Queensland Branch.

The discussion focused on the impact of declining union membership and the resulting effect on wage stagnation, worker exploitation and ultimately large scale and growing inequality.

Future trends were also discussed, including the issue of massive overseas corporations like Amazon, Google and Apple siphoning off billions of dollars of wealth to offshore tax havens.

The difficulties posed by the Fair Work Act were also discussed, and the need for urgent and substantial change to the laws noted.

There was a sense of urgency in the room that the Australian economy is at a turning point, where we can seize the agenda and push for real progressive change to reduce inequality and grow workers' share of wealth, or have more neo-liberal economics, exploitation and massive inequality forced on us.

There were more questions than we had time for, but everyone in the room thoroughly enjoyed the event.

Members are encouraged to become involved in the Everton campaign to help drive the progressive change we need. Our future prosperity and financial security depend on having committed working class voices in Parliament pushing for change.

Facebook: <https://www.facebook.com/Labor4Everton/>

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## **Court Finds CFMEU Guilty of Coercion at Gorgon Project**

Sourced from: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au) Friday, September 22, 2017

*The article below is a typical example of why one should portray themselves in a professional manner at all times be it as a delegate, organiser or an official. Making expansive and abusive comments to the world at large only makes the capacity for a union to have more of its members' assets handed over to the corporations and courts. Bob Carnegie*

THE FEDERAL COURT has found the CFMEU knowingly concerned in a WA official's adverse action and coercion when he last year told Gorgon LNG project workers he would put non-members' names on toilet doors "to let everyone know who you fu\*\*\*ng dog c\*nts are".

The ABCC alleged construction and general division WA branch official Bradley Upton in a 10-minute tirade at the

project site in December last year said "the fu\*\*\*ng 90 dog c\*nts that resigned from the union the day after we signed the EBA. . . [can] f\*ck off somewhere else".

The watchdog alleges the official also told the workers, who were taking a morning break, "We got you these conditions, we know who you are [and] we're going to put your names on the back of toilet doors, we're going to do standover tactics next year to let everyone know who you fu\*\*\*ng dog c\*nts are".

Justice Michael Barker in his judgement yesterday, said he was not satisfied Upton used the term "standover tactics".

However he accepted that Upton said words to the effect that if workers did not like the site being a "union site" they could "f\*\*k off somewhere else" and that he knew who had resigned and would put their names on the back of toilet doors.

"In my view, that conduct constitutes 'adverse action' as defined in s342 because it was relevantly a threat against a non-union employee. . . who was present at the meeting," he said.

"I have little doubt that the threat had the effect, directly or indirectly, of prejudicing non-union employees in their employment," he said, adding that the effect was "real and substantial".

Justice Barker said on some occasions "bad language, including what might be described as unnecessarily bad language — as in this case — might be given some tolerance in a workplace".

However, the threats in this case "including putting the names of the non-unionised workers on the backs of toilet doors, was a plainly intimidating statement".

He was also satisfied Upton contravened s500 of the Fair Work Act in breaching the standards of conduct that would be expected by a union organiser and that this conduct "constituted a threat to take action against non-union employees" in breach of s348.

Justice Barker noted the "concept of coercion involved here implies a high degree of compulsion, in a practical sense, and not some lesser form of pressure by which a person is left with a realistic choice as to whether or not to comply".

He was satisfied Upton's threats "negated choice as to whether or not a presently un-unionised employee should, or should not, join the union".

"Plainly, the only practical choice they had — if they were to avoid the opprobrium that would follow from the threat if implemented — was Hobson's choice — no real choice at all," he said. "That was an unconscionable threat to make." In assessing whether the CFMEU was liable for Upton's conduct, Justice Barker said it was unnecessary to consider all the alternative means by which this might be the case.

This was "because I find the CFMEU may be considered liable for Mr Upton's conduct under s793 of the FW Act in respect of the contraventions of s346(a) and s348, and under s550 and s79 in respect of the s 500 contravention". "As I have found those contraventions proved, it follows that the CFMEU is taken to have been engaged in that conduct, and so also to have contravened s346(a) and s348."

Concluding that the ABCC was entitled to declarations that Upton had contravened the legislation and that the

CFMEU "has thereby contravened the same provisions", Justice Barker said he would hear from the ABCC and the union "in due course" on penalties. Australian Building and Construction Commissioner v Upton (The Gorgon Project Case) [2017] FCA 847 (21 September 2017)

## **FWC Upholds Sacking of Worker Who Called Managers "Mercenaries"**

Sourced from: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au) Monday, September 25, 2017

THE FWC HAS endorsed an ASU member's dismissal for breaching his employer's "respectful conduct" policy with his repeated aggressive and disrespectful behaviour towards its chief operating officer during bargaining for a new agreement.

This was despite the FWC having found that Aviation Training Australasia Pty Ltd T/A Ansett Aviation Training had failed to follow its own policy that required it to provide the simulator officer an opportunity to explain his version of events before it issued him a first and final warning.

The company warned the officer after he said to the Chief Operating Officer (COO) at a "town hall meeting" to discuss a new agreement: "The only way you get a promotion around here is to suck c\*ck" and "you guys are f\*\*\*\*\*g trying to steal from us".

Six months later it dismissed the officer after he sent an email to the chief operating officer that said management treats workers "like fools, acting like mercenaries, destroying goodwill and leaving a bitter taste for all". Commissioner Nick Wilson said Ansett had a valid reason to dismiss the officer because it was "entitled" to believe he was not capable of controlling himself.

He said the officer had been warned about the consequences of his conduct after the town hall meeting and then let his emotions get the better of him again in his email to the COO.

Union representative asked operations manager "out to the carpark": COO The officer said he was "very unhappy" during negotiations for a new agreement because he thought Ansett wanted new rosters and to change the system for promotion to simulator positions to be earned on merit rather than years of service. At the August 31, 2016, "town hall meeting" of Ansett employees the COO said he was left "shaken" by the officer's "vicious" verbal assault on him.

The COO said the officer said to him: "All you are trying to do is make yourself wealthy by stealing money from our pockets and trying to take things away from us" and "just pay me my f\*\*\*\*\*g redundancy and I'll f\*\*\*\*\*g get out of here". He said that during the "assault" a technician and ASU delegate said to the company's operations manager: "Do you want to take this out to the carpark?"

Following the meeting, Ansett's chief executive commissioned SOS Safety and Legal employee Sue Bottrell to investigate complaints about the town hall meeting. Once her report was completed the COO persuaded Ansett's Board that the officer should not be

dismissed. Ansett instead issued him a first and final warning for the abusive and belligerent workplace behaviour constituted by his town hall conduct. Then in February the officer received forms at home to vote for a proposed agreement.

He responded by copying-in "numerous others" in an email to the COO, saying he should have been spoken to about the forms at work and the materials were a waste of money to deliver the question "do we accept this downgrade to our award?"

In reply to the email the COO asked the officer to justify his continued employment. On March 2, the officer sent an email to the company that argued he should be retained, but the COO decided to dismiss him because he did not believe that he took responsibility for his actions and his February email breached the company's formal warning.

Investigator did not follow own training Commissioner Wilson found Ansett had not followed its own processes that it "must" give a person that it alleged to have been at fault opportunity to explain his or her version of events. He said the external investigator must have known the procedures that she followed in her investigation were not consistent with Ansett policy because she had train its employees. However, Commissioner Wilson said "the fact that the investigation was conducted contrary to Ansett Aviation Training's policy does not directly doom its product".

He said the COO observed and was capable of deciding whether the officer's belligerence at the town hall meeting required a sanction. He said the officer's submission that his conduct did not constitute a contravention of the company's respectful conduct policy could not be sustained.

After the officer conceded he had behaved as alleged by the COO, he could not be "seriously suggesting" that to say the things he said "would be allowed to pass without consequences". Commissioner Wilson dismissed the officer's unfair dismissal application.

Mr Richard Hertaeg v Aviation Training Australasia Pty Ltd T/A Ansett Aviation Training [2017] FWC 4870 (22 September 2017)

## **IDC General Coordinator: Dockers are Key to the State's Progress**

By José Francisco Díaz

THE INTERNATIONAL DOCKWORKERS Council (IDC) is a global trade union confederation founded in Santa Cruz de Tenerife in the year 2000. It currently has more than 100,000 dockworkers from five affiliated continents and works to defend workers and their jobs through training and continuous improvement of their working conditions.

With headquarters in Barcelona, Spain, IDC is organized in six zones (Europe, Africa, West Coast of North America and Pacific, East Coast of North America, Oceania and Latin America), each with its Coordinator named by Assembly.

The Coordinator of IDC, Jordi Aragunde, in an interview with PortalPortuario.cl, in commemoration of the Day of the Port Worker, analyses the situation of dockworkers at a global level and sends a message to his Chilean peers whom he points out as props of the country's development.

**What diagnosis do you have of the current stowage situation at the global level?**

Dockworkers are a very united group in the international sphere despite the cultural and economic differences that can exist between Europe, America, Africa, etc. This position gives us great strength to put pressure on Public Administrations and companies to dignify our profession, both in terms of training and safety and to be able to work together to improve our working and professional conditions. At the International Dockworkers Council we are more than 100,000 workers around the world who strive for the same goals.



*Jordi Aragunde*

**Which countries have the greatest advances in relation to labour rights, which are more delayed?**

You can never talk about delay. The concept in itself denotes class struggle, and it is something that we do not conceive from the dockers. In any case, we are fighting for equal opportunities on an international scale and in all ports of the world.

While it is true that socio-political and historical conditions may lead one to believe that there are more advances in Europe or Western countries, they do not occur at the same speed as changes occurring in other latitudes. The strength of the workers union that I mentioned before allows the changes for better take place faster in these countries.

**What aspect and / or issues are pending to improve the status of dockworkers?**

We have several fronts among which stand out, for example- as I have said- the equality of training and security conditions. However, it should also be noted, for example, that the robotization and automation of port terminals is progressing, a matter of concern to us at the global level, as it can mean the loss of employment of thousands of workers and the consequent loss of competitiveness to social level in the countries where it is carried out. The dockworkers will continue being a

necessary group: not in vain, because by our hands passes 85% of the international trade.

On the other hand, at a more political level, international agencies must realize the need to converge towards a common model that simplifies and improves the quality of the professionals of the ports.

**How do you see the automation of the terminals, do you think it will jeopardize port work or open new doors for the dockworkers' development?**

It is a double-edged sword. On the one hand, it can denote a loss of jobs and, on the other hand, we cannot ignore that technological development can improve the living conditions of the workers themselves. This is a capital issue, and at the last General Assembly of the International Dockworkers Council we dedicated one of the days to study and analyse the affects that automation can bring, both negative and implicitly positive.

Training, both work and professional, should be the currency of this change: Dockworkers are not willing to lose thousands of jobs around the world and we will continue to fight together for conditions to be the most advisable in all countries.

**In connection with the above ... How do you feel that the work of dockworkers has evolved in recent years?**

Dockers are increasingly professionally trained to handle cargo loading and unloading at ports. In recent years, it has evolved in a very positive way, and here, the work of the unions, both locally and in the work of the IDC on a global scale, has caused the number of casualties to fall drastically. However, we are not happy yet. Our intention is to completely eradicate the number of victims (dead or injured) in our jobs. This safety at work goes hand in hand with training. Without one, the other would not exist.

In a global world where large corporations, governments and corporations are struggling to lower costs, trade unions struggle because this situation does not turn against labour rights and progress is made in improving conditions.

**What lessons does the stowage conflict leave in Spain?**

Spain has been a clear example that the union is the force. The Government wanted to squander the rights that workers have earned over the years at the expense of some companies. They were also looking to do this at a time when all Spanish ports were experiencing a remarkable growth thanks in large part to the professionalism of dockworkers and the management of companies that have supported our demands since the beginning of the conflict. The excuse was the Judgment of the European Union and, under this premise, the Spanish Government wanted to eliminate labour rights forged by years of union struggle. Finally, they have not succeeded.

This same week, we continue to negotiate with the "new" employer to reach a point where workers can open to a new labour framework that will affect and benefit the entire sector.

### What message can you send to your Chilean counterparts?

Chile is a very advanced country on a political, social and economic level. You do not have to envy the big economies of the world. Ports are a clear engine of growth and, in this context, dockers are key to the state's progress. The foreign trade of Chile - in the margin of imports and exports to Latin America - depends, in large part, on the fact that port workers believe in their own possibilities and that labor and vocational training is a sufficiently important input to advance the country.

### And Latin Americans ...

The same can be said for the group of partners in Latin America. The International Dockworkers Council has a wide presence in the area and, despite temporary problems, American dockers know that they have the full support of the comrades from all corners of the world in their claim to settle the work of the stowage as one of the pillars of growth in different countries. Our motto is very clear about it: "You'll never walk alone again..."

### Annual Family Picnic Day

THE PICNIC DAY is fast approaching and all members and their families are welcome. The following flyer has date and time details.

The day consists of morning tea, lunch, rides including the trackless train, motorised cars, running races for the kids and adults with prizes, tug of war and face painting.

The Plantation also has fun pools and slides for all to enjoy.

We will be requiring volunteers to help ensure the day is a great success.

This will be for the planning, set up and pack down before and on the day.

Please contact the administration staff at the Branch office to register as a volunteer on 3395 7215.



**MUA Queensland Branch**

**Picnic Day 2017**

**FREE EVENT FOR THE FAMILY**

**Date:** Tuesday 7<sup>th</sup> November 2017

**Time:** 10:00am – 4:00pm

**Place:** The Plantation  
1204 New Cleveland Road, Gumdale

Lollies, drinks, ice-cream,  
morning tea and lunch  
provided.

Rides, giant slide,  
swimming pools.



### Branch Officials Details

QLD Branch Secretary Bob Carnegie

Mob: 0439 478 996

Email: [bob.carnegie@mua.org.au](mailto:bob.carnegie@mua.org.au)

QLD Deputy Branch Secretary Jason Miners

Mob: 0401 211 866

Email: [jason.miners@mua.org.au](mailto:jason.miners@mua.org.au)

QLD Assistant Branch Secretary Paul Gallagher

Mob: 0408 494 168

Email: [paul.gallagher@mua.org.au](mailto:paul.gallagher@mua.org.au)

QLD Organiser Paul Petersen

Mob: 0404 453 869

Email: [paul.petersen@mua.org.au](mailto:paul.petersen@mua.org.au)

