

Industrial Report

November 2019



AMOU

Australian Maritime
Officers Union

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Date:	26th November 2019 - 1000 hours
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Date:	26th November 2019 – 1000 hours
Location:	WESTERN AREA Navy Club Inc., 64 High Street, Fremantle WA 6160

President's Report

Tim Higgs

President and Svitzer Melbourne Tug Master

Yale study reveals worryingly high levels of depression, anxiety and suicidal thoughts among seafarers

A [new study](#) by Yale University has identified potentially dangerous levels of depression, anxiety and suicide risk among the world's seafarers. Commissioned by the ITF Seafarers' Trust charity, this authoritative and comprehensive survey of the state of seafarers' mental health exposes risks and proposes actions that can be taken to address the problem.

The study drew on a sample of 1,572 seafarers who were representative of serving seafarers across the world, of different ranks, on different vessels, with different flags. It found that within the previous two weeks of completing the survey a quarter of them had suffered depression, 17 percent had experienced anxiety and *20 percent had contemplated suicide or self-harm*.

The *Seafarer Mental Health Study* for the first time also found a link between depression, anxiety and suicidal ideation (thoughts) and a greater likelihood of injury and illness on board. The survey identified the following factors as being associated with the feelings of depression, anxiety and suicidal thoughts:

- Lack of adequate training
- An uncaring work environment
- Exposure to violence or threats of violence
- Co-existing medical conditions (including cardiac disease and sleep disorders)
- Low job satisfaction
- Ill health
-

The significance of the link to violence and bullying at work had not been previously drawn so clearly. Seafarers from the Philippines and Eastern Europe were four times as likely to report having experienced or witnessed violence as those from Western Europe.

Dave Heindel, Chair of the Seafarers' Trust, stated: "The more we talk about mental health, the more we reduce the stigma associated with it. This report really helps us to understand the contributing factors and provides a basis for demanding some fundamental changes in the way the shipping industry operates. The report's lead author, Dr Lefkowitz, personally briefed the ITF Seafarers' Committee on the findings of this far-reaching and important study. It was a sobering occasion; the gravity of his team's discoveries is evident. They should be taken as a call to action by everyone in the shipping industry. For our part, the ITF and the representatives of its worldwide maritime union affiliates gathered here today have pledged to share these findings as widely as possible in order to

draw attention to this until now hidden problem – as well as to use them to lobby the industry for system changes to the working environment onboard ships.”

Katie Higginbottom, Head of the Seafarers’ Trust, commented: “The lives of seafarers are known to be tough. This study shows them to be generally healthy and resilient but subject to massive pressures that are, for the most part, manageable. This issue of violence on board is, however, very disturbing and warrants further investigation.”

Having examined the extent of the problems, the study includes a number of recommendations for maritime training institutes, companies, employers, P&I clubs and trade unions, including:

- Enhance support for cadets, ensure proper training and make improvements to complaints procedures
- De-stigmatise mental health within company culture
- Recognise and address the need for interventions to address workplace violence, including by: defining and measuring violence in the seafaring workplace; involving key stakeholders to identify sources and strategies to reduce workplace violence; and by supporting research in intervention evaluation, with dissemination of results to governing bodies, registries, unions, and shipping companies.

The study’s authors were Dr Rafael Y Lefkowitz, MD MPH and Martin D Slade, MPH, from Yale University’s respected Occupational and Environmental Medicine Program. They utilised demographic, occupational, and work-environmental questions, along with ones assessing injuries and illness events, and mental health outcomes (symptoms of depression and anxiety). The final survey was the result of feedback gathered from seafarers over three months of ship visits. The survey was then actively promoted for three months, during which time it attracted 1,894 participants, from which a representative cohort of 1,572 seafarers was selected.

Hunterlink

Hunterlink is the AMOU’s employee assistance provider and also provides this service to a number of the employers of AMOU members. If any members need to talk about any concerns with emotional, mental and psychological wellbeing please contact Hunterlink on the confidential and free 24/7 helpline: **1300 725 881**.

As always stay safe and healthy

Tim Higgs

Executive Officer's Report

Mark Davis

Executive Officer (Sydney)

Australian Reef Pilots (ARP)

This company is now one of the five Australian transport sector operating companies of Canadian pension fund OPTrust, alongside Melbourne-based pilotage provider Australian Pilotage Group and Argonaut Marine Group. ARP has 43 Pilots, 8 of whom are contractors, 35 of whom are on substandard common-law contracts. Our organising campaign involving Tracey, our ARP activists and me has been somewhat of a success with 21 out of the 35 employed Pilots being fully financial AMOU members. We wrote to the company seeking to commence enterprise agreement bargaining to which we received an emphatically negative response. We filed for a Majority Support Determination to compel the company to bargaining with us for an enterprise agreement and Tracey argued this very successfully on Wednesday with the Deputy President issuing the determination in very short order. This has been a well coordinated campaign to bring an anti-union employer to the bargaining table after beginning with only two financial members. Credit goes to our ARP activists and Tracey for getting to where we are currently. The decision makes good reading... the link to it is below:

<https://www.fwc.gov.au/documents/decisionssigned/html/2019fwc7913.htm>

The next step in the process is to hold formal delegate elections amongst the Pilots, jointly with the delegates compile the log of claims and endeavour to schedule meeting dates to commence EA negotiations. The Pilots are not overly ambitious in their expectations of what can be achieved. The objective being to ensure the sustainable provision of pilotage services, a collectivisation of the common-law contracts everyone is labouring under and some sort of restoration of the work-life balance.

Engage Marine/Engage Towage

A 3-union meeting with the company took place on 30th October. The parties all signed the appropriate form to commence the Fair Work Commission procedure to explore solutions using the *new approaches* pathway as the company is endeavouring to implement a non-traditional EA agreement structure. On 18th November FWC Deputy President Booth convened a conference call of the company and the three unions to make sure everyone was on board and a series of dates for meetings under the FWC auspices is being compiled.

North West Shelf Shipping Services Company

It is over 2 years since the original meeting signalled the desire of the shipping partners of the NWS group of companies to commence the demise of the Continuity of Operations Agreement (COA) and the reduction of the present four Australian registered gas tanker down to one or none. The following represents our attempts to minimise the damage from the companies' de-fleeting strategies to give you an idea of what we have had to endure in the two-year period to date:

Promotions

Trident maintains it has promoted all those promotable within the fleet. If the company chooses to adhere strictly to the Shell training matrix, this may well be the case. On principle we disagree with the statement as the company has been prepared to fast track certain officers where it suits the circumstances. This option appears to be off the table as strict adherence eliminates one avenue towards a solution and therefore strengthens the argument that the crisis exists.

Three months ago, there were four chief officers either with their time in already for a probationary master position or due to have their time in within 6 months. None of the officers has received any encouragement that this promotion is a possibility. In fact, one was told he is looking at 2 years for command and as a result he departed the company in fairly short order. This is perhaps an example of the company's approach to retention.

Retention

The prospect of promotion is a potent retention strategy that has largely been removed. There have been exceptional recent instances of confirmation as permanent 3/O and promotion to 2/O, but the senior ranks have been largely untouched. Some initiatives taken by Trident/Shell seem to have been designed to undermine retention. An example is the unilaterally imposed bridge surveillance, surreptitious removal of the hard drives with the recorded data and lack of any statement of the proposed purpose of the inevitable analysis. This has the effect of promoting insecurity, creating disillusionment amongst the bridge team and giving the feeling that they are neither trusted nor valued.

Recruitment

Whilst external recruitment for the AMOU and me personally feels like an act of disloyalty to members not being considered for promotion, in order to discharge our obligations under the COA we are duty bound to explore all avenues to assist in finding suitable officers. To date our efforts have fallen short as it appears that there has been less than a handful of officers recruited from the outside for positions other than 3/O. Again, this is a deliberate strategy from Shell/Trident to set the employment criteria unachievably high in terms of gas/tanker/command etc. experience. FPSO masters and officers applications have been summarily rejected on the grounds that they have 'not been to sea recently'; meaning that FPSO time is irrelevant to Shell even though FPSOs detach in cyclones and undertake survey voyages.

Four ships down to three

This was the company strategy to drop a ship because there were insufficient senior officers and if a ship was held alongside as a consequence loss of a ship would be the penalty. NWSSSC has somehow been persuaded to put this provocative move on the backburner, likely not due to any advocacy on our part but possibly pressure from within the NWSSSC group of companies. There was an inherent injustice dropping a ship potentially because of the unavailability of a master or C/O. Why should the remainder of the crew suffer as a result? The company tried to sweeten the situation by undertaking to retain and keep on pay all crew members from the fourth ship but was not forthcoming on the duration of this arrangement. If no solution to the senior officer crewing issue surfaces this measure will be revisited.

Labour agreement

A labour agreement is a contract between a company and the Department of Immigration & Border Protection that specifies a number of overseas workers that will be issued with identified visas to take up jobs that would otherwise be done by Australians but where DIBP has been convinced that there is a shortage of local labour. The applicant company must consult with any unions that organise the category of workers locally and generally where there are well-reasoned objections, DIPB will be reluctant to proceed. Labour agreements are for a maximum 5-year term, they can be made reviewable on a specified regular basis and must prescribe the number of workers for which the visas will be sought.

This is the latest strategy NWS is employing to alleviate the senior officer availability problem. The proposal is for the agreement to specify 2 masters and 2 chief officers (plus 2 engineers) to be sourced from the ranks of those *ex-Northwest Shearwater* officers awaiting deployment.

As a matter of policy AMOU objects to labour agreements as it is difficult to accept that there is a labour shortage where we have hundreds of AMOU members seeking work.

The AMOU Executive Council met on 6th and 7th November and the NWS predicament and labour agreement issues were on the agenda. A serving Trident 2/O was invited and was kind enough to attend the meeting and provide the deck officer perspective to supplement my and Glenn Andersen's briefing for the Council. Much of what I've explained above was traversed. It was resolved that the AMOU is fundamentally opposed to labour agreements, but they can be considered where they provide a pragmatic solution to a problem and can be used to extract concessions from an employer such as career advancements.

Teekay Marine Resources – *Ocean Protector* Enterprise Agreement

This EA is now out to vote as we took the negotiations as far as we could. To recommend the EA wholeheartedly it would have been nice to have achieved the day of departure attracting the accrual of a day's leave, at least for any officers working past 1400 hours... but it was not to be this time. Irrespective of this we are recommending a vote in favour of the EA settlement. Some of the positive features of the deal are as follows:

- Any replacement vessel is within EA coverage
- EA expires 9th June 2020
- 3 x Salary/allowances escalations indexed to Labour Component Table/Group
- Armed Allowance, Southern Ocean Allowance, Cabin Sharing Allowance, Maintenance Allowance and Shorthand Pay all provided for
- 13% company super contribution
- 4-weeks swings unless agreed otherwise
- Long Service Leave of 13 weeks after 15 years' service
- Status quo provision in the Dispute Resolution clause
- The gold standard Indemnity clause
- A Quality Management System clause enshrining the Master's overriding authority
- Domestic Violence Leave clause

Dampier Spirit

Yesterday Teekay Shipping advised us of the following:

Teekay Corporation recently announced the sale of its remaining shareholding in Teekay Offshore Partners LP to Brookfield Business Partners LP. Teekay Shipping (Australia) Pty Ltd provides Teekay Offshore Partners LP with services for the Floating Storage and Offtake (FSO) vessels Dampier Spirit, Suksan Salamander and Falcon Spirit. These services are provided through intercompany agreements which will need to be reviewed with Teekay Offshore Partners LP as it is no longer part of Teekay Corporation.

Teekay Offshore Partners LP will utilise subsidiaries for its business operations in Australia. Teekay Shipping (Australia) Pty Ltd currently employs 34 permanent seagoing crew on FSO Dampier Spirit and 5 office-based staff that provide various services amongst the three vessels. All 39 employees will be offered permanent employment with subsidiaries of Teekay Offshore Partners LP with the same terms and conditions, including transfer of all entitlements and continuity of service. The expected date for the transfer of employment is early January 2020. There will be no redundancies.

Employees and their representatives will be consulted over coming weeks on board Dampier Spirit, in Teekay offices and includes those employees on leave. Further information about the change will be provided to employees and their representatives in a separate communication.

We are scheduled to meet the company reps on 5th December.

Industrial Report – Glenn Andersen

Organiser (Fremantle) and Western Area Secretary

Vessel Inspections and Ship visits

Polarcus Asima (AOS), Polar Duchess (OSM)

Trident LNG Ships EBA

A meeting to discuss EBA negotiations is being arranged for December 4th, the day after the scheduled COA meeting in Sydney

INPEX

Along with AMOU Executive Officer Mark Davis I attended the annual Perth INPEX meeting. The INPEX multi-union agreement contains an undertaking to support the principle of Australian jobs for Australians. It appears INPEX is prepared to go a lot further than any other offshore industry entity to ensure local deck officers are employed in preference to foreign visa holders. According to INPEX there are commercial and legal implications to be wary of when talking to prospective contractors about local labour preference. It is encouraging to hear INPEX say multiple options will be considered in the pursuit of placing Australian deck officers in all positions, including of course the senior positions. This is not only for supply and support vessels but construction vessels as well i.e. the *DLV108* and *DLV2000*. INPEX have heard their contractors come up with arguments about the skill sets required to operate these vessels. We have heard those same old tired arguments year in and year out. I pointed out we have the people to operate those *special* construction vessels, right now.

TOLL Offshore EBA

Last Thursday I met with Toll Energy to wrap up their offshore EBA. The original EBA was passed with a show of hands on the bridge of the new Toll offshore vessel. Eventually, after AMOU representations to the FWC, Toll Energy pulled the EBA out of the Fair Work approval process. The good news is talks are based upon the draft document as it stood back in December 2018; that is before negotiations broke down and Toll decided to put out to vote a very substandard EBA. I have added a couple of new clauses for their consideration, which reflect changes in the industry. I am hopeful a document can be voted on before Xmas.

Maersk EBA negotiations

Maersk management is taking the union's salary increase claim to Copenhagen for head office consideration. And that in itself is worth considering: a foreign institution deliberating on what your family's future standard of living will be. Maersk have offered a first-up salary increase to bring salaries into the area of the industry benchmark. However, for the years to follow: zero increases have been offered. Their plan will see your salaries (and superannuation) dipping below the benchmark *again*, in a very short time. Maersk would then simply top you up at the next EBA. This catch-up is a game we are not keen to play. What if all the offshore companies were to follow suit.

Importantly, Maersk have reconsidered their stubborn attachment to the AMMA template EBA and have handed over a refined version for consideration. I wonder if this change of heart has anything to do with the recent FWC Application for protected industrial action.

OSM EBA Negotiations

These negotiations, like Maersk, relate to conditions, and salary. The relevant EBA is the 2010 Svitzer EBA. OSM want an AMMA sourced EBA with small salary increases. The last increase in that 2010 EBA was in 2012. I have been carrying out a phone survey with members to see just how important it is to them to reach the industry salary benchmark and the retention of present conditions.

Solstad

AIMPE Official Mike Carroll and I will be meeting with Solstad representatives for a run-down of the recent news that Solstad have won long-term work for six vessels. I will take the opportunity to enquire about Solstad forcing employees to dip into LSL entitlements just to make-up shortfalls in accumulated leave balances.

Teekay/Ningaloo Vision

Last Friday the combined unions (AMOU, AIMPE, AWU, MUA) EBA negotiation with Teekay Shipping finally reached a conclusion. A handshake sealed an agreement in principle. The final document will be made available to members, for approval once the draft is written up. The sticking points were training and salary increases. The subsequent addition of a senior management person to the Teekay negotiating team seemed to remove the ideological component of the Teekay training claw-back argument. The unions will in no way be made responsible for the act of locating training berths; it remains the sole responsibility of the company. As stated to management the unions will not put the phone down if Teekay call-up for help in the search for trainee berths. I believe the attempt to delete the training clause was part of an overall plan to remove any obligation to train newcomers into the Australian maritime industry. The AMMA consultant doggedly pursued this clawback up until the time senior management decided a degree of pragmatism was in order. That problem solved; agreement was then reached on salary increases which addressed the six-month wage freeze these drawn-out negotiations created.

TOLL *Astrolabe* EBA

The November 14th meeting saw the unions put forward detailed claims for consideration. We are due to meet again in December and January 2020.

Industrial Report – Jarrod Moran

Senior Industrial Officer (Melbourne)

TasPorts Pilots

The Pilots EA expired on 17 November 2018. We have been in negotiations with Tasports for a replacement EA for nearly 12 months. Most matters have been agreed but a significant outstanding matter is wage increases. Our position, first put to TasPorts in March 2019, was for wages to be on parity with the wages of Flinders Ports Pilots. Our position is justified by a 2010 Arbitrated FWC Decision that pegged Tasmanian pilot wages against pilot wages nationally and awarded TasPort Pilots parity with Flinders Ports that was then discounted for the cost of living difference between South Australia and Tasmania. Since that time the wages of Tasports Pilots have slipped when compared to Flinders Ports Pilots hence our claim for parity to be restored in at least the first year of the new EA.

TasPorts has offered a 2% p.a. wage increase for a three year term that may be increased by an extra 0.7% p.a. if Pilots can demonstrate cost savings through changes to the EA. This position is in line with the Tasmanian Government's Wages Policy. So we are at an impasse. Pilots have asked me to raise a bargaining dispute in the FWC to seek clarification of the application of the 2010 FWC Decision and are considering further options which may or may not include seeking a protected action ballot order.

DP World Supervisors/Superintendents

We are seeking a date to meet with DP World to commence discussions on the new EA. This will happen before the end of the year.

Searoad Shipping

We continue to plod slowly with Searoad on our outstanding issues. The current EA expired mid 2018. Members have a limited number of claims for the EA including 1:1 leave (in line with the AIMPE and MUA) and a pay increase. We have a current allowances dispute with Searoad whereby joining and leaving allowances etc. have been paid in cash on board and recently Searoad moved to paying these entitlements through payroll. The first matter we want resolved via the EA talks is a cost neutral outcome for members on this change. Searoad have made an offer on the JLA, put options forward on the leave claim and have provided a marked up draft EA. It is impossible for members to make an estimate of the Searoad proposal as it doesn't include new wage rates. We have requested the proposal Searoad wants to make to us on new salaries and we expect this by 12 December 2019. We next meet on 17 December where we will respond to their offer.

SERCO - DMS

Serco negotiations have stalled. As detailed previously Serco put their draft EA directly out to vote which was overwhelmingly rejected by employees. Members embarked on protected Industrial action that in conjunction with the unsuccessful EA ballot has prompted Serco to seek a meeting to progress our discussions. Rather than Serco being locked into their EA or no EA we have requested that they provide full rationale on each item of our EA claims that they cannot agree too. Hopefully this

approach will lead to a finalised document soon. In a spirit of co-operation members have agreed to lift all overtime bans until we have had a chance to meet with Serco and hear their position. Due to a number of factors out of members hands and directly as a result of the contractual arrangements Serco have with Navy, a meeting involving all delegates cannot be arranged until late November. We expect a meeting to take place soon thereafter.

Serco - RSV Nuyina

We raised a dispute (together with the AIMPE) with Serco in the FWC on 30 October 2019 as it is our view that the proposed agreement for the new icebreaker is not a genuine greenfields as members who will work under the arrangements have already been employed and the currently drafted EA does not include the top 4 positions on board. Immediately after starting the FWC Conference Serco proposed a separate officers only EA, covering all deck positions. Additionally Serco undertook to provide an updated proposal and details of how currently employed members on common law contracts would transition to even time arrangements under the EA when it becomes operational. The draft EA has been forwarded to all members whom I am aware are employed (or soon to be employed) by Serco. This document is available to all members on request. Serco are yet to get back to us with regards to the transition arrangements. Info on the ship can be found at: www.antarctica.gov.au/icebreaker

Victorian Regional Channel Authority

We had a more successful meeting with the VRCA on 28 October regarding employment terms and conditions for the Marine Operatives at Crib Point than we have previously had. As well as seeking to put in place a genuinely appropriate roster there seems to be some recognition from the VRCA that members have been incorrectly paid since late 2018 and they are seeking a dollar amount for backpay. This will be discussed with members on 25 November and put back to the VRCA shortly after that.

Spirit of Tasmania

TT-Line Shipwrights and Pursers.

The Shipwrights and Pursers EA expires in mid 2020. Members have produced a Log of Claims and we have delegates from both vessels. We plan to meet with TT-Line before the end of the year to present our log and forward plan meetings to get a new EA agreed before the current one expires.

ASP

Masters and Deck Officers employed by ASP on the Spirits have put together a Log of Claims and we are seeking a meeting with ASP to commence our bargaining. We will bargain together with the AIMPE on this agreement. We are waiting on ASP to get back to us with their available times.

Flinders Ports Pilots

The current Flinders Ports Pilots EA expires in March 2020. A members meeting to commence discussion on our Log of Claims for the new EA is taking place on 26 November 2019.

Industrial Report – Chris Neiberding

Senior Industrial Officer (Melbourne)

Svitzer National EBA

The latest offer from Svitzer during the negotiation session on 22nd November is as follows.

- 1st and 2nd year - 2% annual increases and 1.8% with a CPI floor in year 3
- Whyalla – as per last update uplift remains in addition to the annual percentage increase.
- Cairns – Svitzer is committed to providing the 50% crew and closing out the POPS.
- Bowen - \$75 Allowance for every night on board
- Sydney – captivity allowance uplift, increase to the Master and engineer \$9000- - applies to only 2 tugs
- Payment of salaries in arrears – Svitzer wants to explore the option of making a transition to this over time
- Union leave and training approved forums – Svitzer to provide feedback
- Selection process for roles - unions to provide wording
- PPTs - Improvements have been made. We may have to do another report on these alone.
- Job share defined in the EBA– agreed
- Order of pick – unions to revert with a proposal
- Hours of work – 16 hours to 14 hours- agreed.
- Revalidations – this issue is outstanding
- Hard lay allowance – unions to provide a list to the company of when the allowance should apply
- Fixed term contracts – unions claim there should be a 6-month minimum. Svitzer wants to have a shorter minimum

The parties will meet again on the 16th and 17th December to continue bargaining and pursue the AMOU outstanding claims.

TasPorts Tugs EBA

In-principle agreement was reached with TasPorts and the three maritime unions, giving the members a 3-year deal with annual increases of 2.7%. The Masters indemnity has also been agreed to in-principle and the AMOU has supplied TasPorts with our model clause, we expect some drafting by TasPorts to be done on this and are hopeful to get a landing by next week. The rest of the document remains largely the same and although that may seem insignificant there was pressure on the members to concede a number of conditions to get a speedy conclusion to the bargaining. Credit goes to the members who rejected the company's proposal and stayed strong. It wasn't long after that TasPorts returned to the table and we struck a deal.

Industrial Report – Martin McEvelly

Industrial Officer (Sydney)

ASP Rio Tinto Fleet Enterprise Agreement

The approval of the EA remains with the Fair Work Commission. The Commissioner has raised concerns with Clause 13.4 *Compensation for Medical Inability to Revalidate Certificate* and believes it may be discriminatory based on age. We have argued that this type of clause is not unlawful as it has a justifiable basis for recognizing a distinction in the levels of compensation, namely the time and effort it will take to retrain in an alternative industry as well as the loss of earning capacity as a seafarer. We have also highlighted that this is a very common and accepted type of clause in the industry.

ASP, although they support the position that the term is not discriminatory, have put an undertaking to the Commission that says that if the clause is found to be discriminatory, then it is of no effect. We have strongly objected to that on the basis that it is an entitlement that exists and that the company cannot simply extinguish it without offering an alternative that will give compensation to employees if they are unable to get their certificates revalidated on medical grounds. We understand that AIMPE share this objection and are waiting for them to confirm this to the Commission in the coming days.

I expect that the Commission will make a decision on Clause 13.4 in the next few weeks. I remain hopeful that the clause will not be determined to be discriminatory, but that rests in the Commissioners hands. I will update members as soon as a decision is made.

ASP Gladstone Bunkering Facility Enterprise Agreement

We finally have progress on the EA after almost six months of waiting. ASP have received feedback from BP that they are happy with the changes that have been proposed by the company. Based on the time that this negotiation has taken, they seem eager to get the EA out to a vote of employees as soon as possible. Although there are some positives in the current draft, we must also be wary about the proposed changes to the hours of operation and I ask all members to carefully scrutinize these changes in particular. I will await feedback from members and attempt to arrange one further meeting with ASP and the other Unions to discuss the EA before it goes to vote in the coming weeks. My thanks to all members for their patience and understanding.

Roads and Maritime Service NSW Award

The legislative amendments to the *Transport Administration Amendment (RMS Dissolution) Bill 2019* proposed by the Unions were predominately agreed in parliament and the bill was passed on 20 November 2019. These amendments provide a significant amount of extra security for the next four years to those RMS employees who have now become part of Transport for NSW (TfNSW). This includes protection from forced redundancy, limits on staff reductions and retention of RMS award conditions. With the Award approved and the legislation now passed, the major ongoing issue is going to be the consultation that the Unions are engaged in with TfNSW around their structural and other changes. As we continue with this process, I ask all members to please contact me if they have any questions or concerns.

Transdev Sydney Ferries

A number of issues have been raised this month, including attempts to have acting up Engineers provide training rather than permanent employees as well as another case of

bereavement/compassionate leave being declined – the second example in five months. Each of these were well managed and addressed by the delegates, as well as the other matters they deal with daily. From an industrial perspective, the biggest issue we have been addressing relates to the manning of the charter vessels once they are brought in, which is only months away. Transdev have made no secret of the fact they want to have a number of the vessels manned by those with a Master V qualification, on the basis that they want to create a career pathway so current employees with a Master V don't need to leave the company to get their seetime to qualify for a Master IV. The EA confirms that all permanent Masters require a Master IV qualification, however I believe we can create an opportunity for a career pathway that will help our members and all employees at the ferries. However, it has to be on the right terms. The company and the other Unions each have a different view on what this could or should look like and the AMOU, namely your delegates, are taking a leading role in trying to properly frame what that looks like. The negotiations are ongoing and we will know more in the coming weeks. Your delegates will keep you informed as things progress.

Fantasea Cruising Masters, Coxswains and Deckhands Enterprise Agreement 2019

The EA remains before the FWC for approval. Both the AMOU and MUA objected to the EA on the basis that it may not meet the better off overall test against the award. Specifically, the salaries do not meet the minimum requirements of the *Ports, Harbours and Enclosed Water Vessels Award 2010*, which covers ferry work.

We have not yet made any submissions to the FWC because for the last month or so, the MUA have engaged in negotiations with NRMA (who own Fantasea along with Manly Fast Ferries) about an undertaking to address the Unions concerns. These negotiations got to a point where the company offered to pay all ferry workers allowances to ensure that any work conducted on a ferry run was paid in line with the Ports and Harbours Award. However, the MUA did not accept this offer because of the final sticking point, which was that they wanted a proposed undertaking to be made that acknowledged that the Ports and Harbours Award was applicable. This was rejected by NRMA who are of the view that they are happy to pay award rates, but do not recognize it as applicable to their business. We are now in a difficult position, where the Unions are going to dispute the agreement despite the company already having offered to pay the equivalent rates of pay. The Commission will now most likely make a determination as to which award is applicable and if they determine that the Ports and Harbours Award does not apply, those employees who work the equivalent of ferry work will have missed out on getting paid what was already offered. The other concern is that the Commission hearing will not occur until the last week of January 2020, which means a decision on the EA is still a number of months away. With back pay still not having been made and the company refusing to offer casual conversions until after the EA is settled, members patience is appreciated.

Port Authority of NSW – Newcastle Enterprise Agreement

The AMOU met with the Port Authority in mid November and finalized the contents of the MOU for VTIC. I thank the delegates for their efforts in reaching this point and to members in VTIC for their votes to approve the contents. I understand it was not a unanimous vote and we will endeavour to address the remaining concerns of members in the upcoming VTS discussions. Our remaining items to be addressed with the EA, namely that the performance bonus roll-in needs to be backdated as well as confirmation of a clause specifically mandating consultation with regards to working conditions in the transition to a VTS, were agreed in principle by the Port Authority. We are thus, again waiting

on the company and MUA to finalise their dispute to be able to put the EA out to a vote. They are due to meet again at the end of November and hopefully the EA will be able to be put to all employees in early December. With backpay not on offer due to the government wages policy (the first year's increase will be effective from when the agreement is voted up), we don't want this dragging on any longer than it already has.

Port of Newcastle Enterprise Agreement

On the day of writing, PON have told the Unions that they intend to put a version of an EA out to vote without our agreement. They plan to start the access period (the seven days in which you can review and ask questions about the proposed EA) as early as this week, with the vote to take place the following week. This is not something that we would have expected at the beginning of this negotiation process, however, as things have progressed, the conduct of PON and their bargaining team have made this seem inevitable. They have consistently failed to make any attempt to understand or appreciate the concerns of their employees throughout negotiations and have made no efforts to compromise on any issue. They have simply put up a wall and said 'we want this and we are getting it', without offering much if anything in return and dismissed the majority of employee claims. Their pursuit of a change to the scope clause in the EA is one such example. They have decided that they want to carve out up to 10 current positions, and multiple future ones, from the protection of the EA. They didn't tell our bargaining team about this until after they had already approached the employees they wanted to exclude to tell them what the outcome would be. This is simply not how you bargain or engage in good faith EA negotiations. What makes it more frustrating is that the Unions aren't asking for very much in this agreement. We are simply looking to hold on to the protections that have been bargained for in the past for our members and all employees, along with a modest pay increase to keep up with the cost of living in Newcastle. A memo will go out to members shortly that outlines why we want all members to vote **NO** to the EA. I also ask that you encourage all other employees to do the same. We can't let this EA get approved and we can't agree to let our members get cut loose from the protections of the EA simply because PON want to be able to offer others in similar positions contracts with terrible conditions. This undermines the whole purpose of an EA.

Port Authority of NSW - Sydney

Our dispute regarding the Emergency Response Team is ongoing, though the Port Authority have agreed to retain the status quo until January 2020. This will come as a relief, albeit temporary, to the Duty Managers for Cruise Operations who have been dealing with the obstacles that have been emerging since the new gangways were put into operation at the Overseas Passenger Terminal. We will continue to engage with the Port Authority to ensure that the best outcome is reached.

The VTS fatigue committee also met with management in mid-November. They outlined their frustration with how the company is still failing to address their fatigue concerns. The Port Authority was left with plenty to think about and are currently reviewing the situation. They have promised to return to us for further discussions in the next week or two.

Finally, it appears that the board have approved the next step in the process for the procurement of the replacement firefighting vessels to commence. I will be meeting with the (still) acting CEO in early December and hope to have an update for members after that discussion.

Port Authority of NSW – Port Kembla

I recently attended the first Consultative Committee meeting for the Port Authority in Port Kembla in a number of years. Members were well represented by VTSO and Pilot delegates. It was also a good opportunity for me to meet the new General Manager, Harbour Master and HR Manager. Overall, the meeting went well with members raising concerns on several issues, including the planned consultation program with regards to the transition to VTS, the policy around voice recorders and how the functions of the former deputy harbour master are being reallocated. Although we didn't reach any outcomes on the issues, the Port Authority are now aware that they should be engaging and consulting with their employees in Port Kembla more frequently. There will be meetings held in the coming weeks to address each of these issues and we will ensure members are kept informed of progress.

INCO Ships

After months of inactivity, it looks like we will be back speaking to INCO in the second week of December to restart EA negotiations. A memo has gone out to members asking for reclarification on the issues they would like us to address in the negotiations to enable us to create a log of claims. I know we have been here several times before with this company, but we are more determined than ever to make sure they follow through and we get a valid and positive EA approved and over the line.

Industrial Report – Glenn Walsh

Industrial Officer (Fremantle)

Mackenzie Towage Bunbury

We are nearing the final stages of negotiation with only a few changes to still sort through. The last couple of weeks have stalled due to the lack of availability of Union officers from each of the Unions as a result of other significant competing workload demands.

Southern Ports Pilots EA Bargaining

A few unexpected issues have surfaced which require the parties to meet later this week in an attempt to finalise negotiations. In particular, matters on which we assumed prior agreement had been reached.

OSM

Advice from the Associate to Matthews(C) indicates that a decision in relation to the Denial of Contractual Benefits claim is imminent. This will have significant implications for our casual members who are frequently denied entitlements by this employer but are wary about raising disputes for fear of not being re-employed.

EA bargaining is continuing with OSM expected to provide responses to our wage claim. The company has provided AMOU with a modified bargaining template.

Mid-West Ports

MWPA management have delayed the progress of the overtime dispute time and again despite their repeated assurances that they wanted to reach a settlement in lieu of attending the FWC. The matter has now been referred back to the FWC for arbitration. The lack of care and due diligence by some MWPA management personnel is extremely frustrating and disappointing. The inability to pay staff properly has apparently infected MWPA in a similar fashion to the much publicised wage theft cases that are so prevalent in retail and hospitality industries. The pending organisational culture survey should make for a very interesting read.

Odyssey Marine

Progress remains painfully slow at the moment despite the parties reaching in-principle agreement on a number of key claims. Remuneration and superannuation claims will be responded to by OM management at our next meeting.

Argonaut Marine

The employer is due to provide its bargaining position to the AMOU by tomorrow afternoon, and ahead of a second bargaining meeting scheduled for 4 December where we expect to commence the bargaining process proper.

Pilbara Ports Authority (PPA) - Port Hedland VTS EA

With the exception of a couple of minor claims the parties have now reached an in-principle agreement and will commence final drafting and editing in the coming week.

Disciplinary Matters

The remainder of my work has been in assisting members with grievance complaints, bullying, disciplinary processes, unfair dismissal claims and a wide range of other enquiries.

Annual Leave

I commence annual leave on 6 December and will return to duty on 23 December. As this will be my final report for the year, I wish to extend my sincere gratitude to AMOU members, staff and management whose advice and support have enabled me to establish myself in a new and different environment.

In my absence please direct urgent enquiries to Glenn Andersen in the Fremantle office.

Industrial Report – Tracey Ellis

Organiser (Brisbane)

Monthly members meeting-Brisbane

The December monthly meeting will be held at the Brisbane AMOU office on 17 December 2019 at 1100. The address is 13/40 Brookes St, Bowen Hills. It is a week earlier than usual due to Christmas.

MSQ-VTSO

I am still waiting on the completed terms of reference document which will provide the scope of the proposed VTSO review. Some of the things that will be looked at are rosters, working conditions, the number of VTSOs on at night etc. Once terms of reference are complete, MSQ will begin the review.

MSQ Enterprise Agreement

The old agreement was cancelled and the new agreement was certified by the Industrial Relations Commission of Queensland on 21 November. Angus Mitchell is said to be putting out an email to employees with further details.

Smit Lamnalco

The Gladstone Roster dispute went to Hearing at the Fair Work Commission on 15 November. The AMOU and AIMPE were represented well by Hall Payne Lawyers. We are waiting for Deputy President Asbury to make a decision on whether the company has to follow the dispute resolution procedure before implementing the proposed rosters. The officer's unions also supported the MUA's claim that the company cannot change the rosters without a change to the enterprise agreement. DP Asbury is also yet to make a decision on that.

AMSA and Worksafe are currently conducting an investigation into the company's alleged handling of PFAS firefighting foam. More details will be provided once the investigation is complete.

There has been no movement from the company on the drug and alcohol policy dispute or the possible underpayment of allowances, and lack of ability to take leave in some ports. The AMOU will continue to push this.

We are still waiting for the Fair Work Commission to make a decision in the GMDSS dispute.

Australian Reef Pilots

The AMOU was successful in getting a Majority Support Determination at the Fair Work Commission on 20 November. Deputy President Asbury determined that ARP must negotiate an enterprise agreement with the Pilots. We will now help members finalise their log of claims and approach the company to set up some meeting dates for the EBA negotiations.

Svitzer Darwin

The EA has been voted up by the employees and will be put to the Fair Work Commission for approval.

Pro Dive

We are still waiting for Fair Work Commission to decide on our hours of work dispute and for the company to provide us with a revised offer. Paul Gallagher from MUA and I will meet with Pro Dive in Cairns on 3 December to try and get the company to resolve the issue instead of waiting for the Commission.

Svitzer Cairns

The three unions met with Svitzer again in Cairns to negotiate extra crew for the port. The unions have put a roster, including the extra crew, to the company and are waiting for their response.

Brisbane Ferries

The MUA and the AMOU were successful at the Fair Work Commission about the unreadable payslips and potential underpayments dispute. The company has agreed to provide letters to financial institutions clarifying the minimum yearly earnings, produce a separate payslip for any back pay or corrections, and they have agreed to provide back rosters backdated to 1 July by the 2nd week of December so crew can accurately check their pay.

The Brisbane City Council has put the CityCat and City Ferries operations and maintenance contract out to tender until the 27 November 2019. So far I'm aware that Transdev, Sealink and NRMA have indicated that they will be bidding for the contract.

Bay Island Transit Systems- Sealink

The AMOU and the MUA are still waiting for the company to finish negotiating the proposed timetable with Translink. The company hopes the timetable will alleviate some of the issues the unions raised including refuelling during peak hour and passenger to crew ratio.

Intercity Group/ Entrada Travel Group

Advances have been made in the EA negotiations. We are waiting on the results of a time & motion study before we have another meeting.

ASP Brisbane Bunker Barge

The AMOU was successful in getting one of our members a job on board the Anatomia in Brisbane.

P&O *Wunma* and *Aburri*

We are edging closer to an in-principle agreement for the *Aburri*. The next EA meeting will be held in the last week of November. I have emailed the company asking for meeting dates for the *Wunma* EA and am waiting to hear back.

Seaswift.

We are still waiting for the Modern Award review to be completed and for Seaswift to come back to the table to finalise the EBA. I'll let members know as soon as negotiations have resumed.

Sunlover

It appears that the dispute about whether the agreement passes the Better Off Overall Test has been resolved and the Fair Work Commission is currently considering approving the document. It is in the final stages of the process now, hopefully not much longer to wait.

Port of Brisbane

The Port Office EBA is still before the Fair Work Commission for approval. The agreement will come into effect 7 days after approval.

