



Special Coronavirus & Industrial Report

March 2020

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MEMBERS' MONTHLY MEETINGS

Please note that monthly meetings will not be held in March or April due to necessary measures to combat the spread of COVID-19.

Members will be notified when monthly meetings recommence



AMOU

Australian Maritime
Officers Union

Federal Report

Tim Higgs President



Dear Members,

Welcome to the March President's Report.

If any member had said that 2020 was going to deliver the shock changes that we are all currently coming to terms with I guess anyone of us would have laughed. There is one thing for sure, we can sit back and think 'she'll be right mate', but as we all know the world we live in and the conditions we have worked under are currently changing by the hour. I thank those members who have been patient with the industrial staff in recent weeks. It has proven challenging to apply a changing matrix of information to individual cases. The workload that all the staff are currently under is unfathomable and goes hand in hand with the unprecedented times we all face.

As you have seen in recent memos, we have changed the way we are operating to protect the union's staff as best we can from direct contact. This has led to staff working from home, no longer participating in non-essential face-to-face meetings (including the monthly meetings for March and April at this stage) and keeping all travel to an absolute minimum; obviously this is assisted by state border controls coming into force.

I won't delve too deeply into the industrial pressure the COVID-19 panic from employers is placing on the union and its members as I will leave that to Mark and the industrial staff. We have dealt with confusion between State and Federal jurisdiction and it would now seem that employers want to use the situation to change current conditions and agreements without following the correct procedures and respecting your rights. Some of these claims may be genuine, but it would seem many employers are attempting to keep unions out of the consultative process. Issues or proposed changes can be dealt with through proper transparent consultation and advocacy on your behalf. **It is critically important that you contact us and get assistance as soon as your employer begins any process seeking to change working arrangements or employment conditions.**

Maritime Response Group

This group began meeting on a regular basis early February discussing the issues the maritime industry was facing with the onset of the Coronavirus. The AMOU was the only union to have a seat at the table for these discussions. Early on it was critical to ensure the protection of Coastal and Marine Pilots boarding vessels

as the frontline officers making contact with potentially infected seafarers. The Group's paradigm has significantly changed although it remains a critical nexus for government agencies and industry representatives to ensuring all maritime sectors continue operating in a safe and efficient manner. The Group functioned extremely well until last week when States and Territories took control of their borders creating a massive amount of confusion throughout industry. During Friday's online meeting West Australian officials themselves couldn't agree on who was exempt from isolation and who was not! *Essential services* is another subject that has created frustration and several from within the group have worked hard and somewhat in vain to ensure that both port services and maritime crew are considered essential to keep the supply chain open. The difficulty with *essential services* is that it is legislated by States and Territories and not Federally. All that we have asked is consistency and clarity across the States as to where maritime crews and port service providers land under their jurisdiction. We will do our best to keep you updated on the changes as they happen.

COVID-19 and crew change restrictions

This has become increasingly frustrating as every time advice to members is drafted or sent there is an unenforceable change implemented. For you to be granted travel exemptions from State border closures the process is slightly different for each State and Territory although it is becoming evident that each State is identifying exemptions as either maritime crew, specialist skills, or FIFO workers. Please ensure that you confirm your status with your employer prior to travel. Even as I am writing this it's been brought to my attention that Western Australia is looking at placing further restrictions on their borders by preventing entry for NSW FIFO workers. We have sought clarification on this from WA officials through the Maritime Response Group.

It is in your best interest to ensure you have the correct and up to date information when asked to travel to join a vessel and that your employer has the correct documentation in place and that you have copies prior to traveling. Here is some information and links to assist.

Information and links as at 23:59 28th of March 2020

For the Federal rules on international travel please check the ABF website for the latest information and updates: <https://covid19.homeaffairs.gov.au/travel-restrictions#3>

The Tasmanian Government was the first State government to close its borders and issue directions making it clear that maritime crew members will not have to go through the 14-day self-isolation before joining their vessels. Please refer to the Tasmanian Health Department website for the latest information and the required documentation when arriving for a crew change.

<https://www.dhhs.tas.gov.au/publichealth/communicable-diseases-prevention-unit/infectious-diseases/coronavirus>

The Western Australian (WA) Government directions issued on 24th March have not been as clear as the Tasmanian directions when it comes to maritime crew. Although we have been assured by WA officials that the intent is for maritime crew to be able to travel unhindered to complete crew changes as efficiently and safely as possible. There is confusion as to what exemption maritime crew fall under, so we have been asking for clarity on this from the WA government for some time now. In recent days we have also seen the implementation of restricted regional travel within WA and again we have asked the WA government for clarity. Please check the WA Government website for the latest updates:

<https://www.wa.gov.au/government/publications/wa-border-restrictions-application-special-exemption>

<https://www.wa.gov.au/sites/default/files/2020-03/Self-Quarantine%20Following%20Interstate%20Travel%20Directions.pdf>

The South Australian government has also issued directions although not specifying maritime crew, but they have made exemptions for essential travelers that maritime crew would fall under. Please check the SA government's website for the latest information:

<https://www.sa.gov.au/covid-19/emergency-declaration>

The Northern Territory government has also issued directions and granting exemptions for essential travelers with ship's crew under the freight and logistics exemptions:

<https://coronavirus.nt.gov.au/community-advice/border-controls/exemption-categories-for-essential-travellers>

The Queensland government has also issued directions and similar to Northern Territory, essential traveler exemptions applicable to maritime crew are issued under transport, freight and logistics:

<https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/border-restrictions>

At this point in time the New South Wales and Victorian governments haven't closed their borders for interstate travel.

AMOU Executive Council

On 11th & 12th March your Executive Council met and dealt with the unions finances, business, policies and spent a substantial amount of time discussing Coronavirus and the impacts it may have on the members. The main issues were how casuals should be dealt with when it comes to forced leave through self-isolation, how it may affect someone's leave balance, what if they had no leave and so on. Even as recently as the start of the month there was no real indication of the impact we might see although this has changed drastically in recent days and the Executive continues to communicate both informally and formally as required on a regular basis while we face this crisis.

Other COVID-19 related issues

We will continue to update the membership as best we can. Although exemptions are in place for the membership to continue to travel as essential travelers under numerous directions, it is becoming increasingly difficult to travel with the number of commercial flights available. The advice from government officials to employers on the Maritime Response Group teleconferences is to start looking at charter flights for crew changes although this is not always practicable. In recent days we have seen numerous employers asking members to consider relocating interstate for the foreseeable future to facilitate crew changes. This simply isn't possible for everyone and must be negotiated through thoroughly with the AMOU before it can happen.

As I always sign off my monthly report with '*stay safe*', there has never been a time where this is more critical for your own and your family's health and wellbeing. If you or your immediate family are finding yourselves in a difficult situation and need to talk you have free and confidential assistance as part of your AMOU membership from <https://hunterlink.org.au>. As many of the membership are seafarers or ex-seafarers we know how to isolate as we have spent half our lives doing it. Let's put that into practice at home or in a hotel and ensure we do our bit to help the community by self-isolating and help flatten the curve.

As always stay safe

Tim Higgs

Federal Report

Mark Davis Executive Officer

Engage Marine/Engage Towage

The AMOU Executive Council endorsed signing the framework agreement brokered under the Fair Work Commission's interest-based problem-solving process, that provides for core conditions to apply to the tug crews. The framework agreement provides for conditions gauged not to undermine the existing industry standards and embodies a model that gives crew members ownership of the day to day operations of their tugs in each port and incentives to ensure the success of the company's port cooperatives. All three unions have embraced Engage Marine's new direction on the basis of the protections afforded by the agreement and discussions are reconvening on 30th March to traverse the detail of how the framework translates into the employment relationships in each port.

Trident LNG, Shell and North West Shelf Shipping Services Company

Where I left matters in my last report on this long-running saga, shipboard meetings were to take place on each of the tankers attended by a number of the COA parties. These meetings were highly successful and following the town hall meetings of all available crew in the ship's dining room AMOU members convened as a separate group with the Arbitrator and were all able to air their concerns regarding the introduction of secondees from Shell's international fleet. It was clear that the presence of the Arbitrator had a significant impact on the views of AMOU members on the labour agreement due to his appreciation of the issues of greatest concern to them; namely the extent to which internal promotion would be roadblocked and limitations on the introduction of secondees into the fleet. At the town hall meetings STAPL was prepared to guarantee that every effort would be made to expedite the promotion of qualifying Chief Officers to Master and the company's expectation was that in the next 6 months there would be 3 new Masters comprising 2 internal promotions and 1 externally recruited Master. The commitment was also provided by STAPL that the 2 x Masters and 2 x Chief Officers from the Shell international fleet would only be introduced to the Australian fleet where there was a genuine gap to be filled and the period onboard would only be for the time required and that none would find a place in the roster. These latter two points were the issues of greatest concern to AMOU officers and clearly went a

long way to convincing them that the labour agreement would not be an instrument used to undermine the retention onboard and career advancement of the Australian officer complement.

The matter was put to ballot of all Trident AMOU members; and it is said with some pride that we have 100% fully financial AMOU membership of Trident Masters, Deck Officers and Cadets. The single question put to the membership was:

Do you support the AMOU signing the Memorandum of Understanding incorporating the Training & Promotion Regime circulated to members and dated 6th March 2020 that will underpin the Trident LNG Labour Agreement?

The result was:

Survey links sent out:	50
Survey responses received	38
Survey responses in favour	37
Survey responses against	01

A similar response was received in respect of the AIMPE

Whilst AMOU is not generally in favour of these immigration (Labour) Agreements, the MOU states an annual review of the numbers of officers (Initially 2 x Master, C/O & engineer positions) and any dispute can be subject to Arbitration; something no other LA has had

membership question. As a result I signed the MOU on our behalf as did Federal President Martin Byrne on AIMPE's behalf and we have just been advised that Trident has signed and forwarded the document to the COA Arbitrator. to be witnessed.

The next step will be Trident's application to Immigration for the labour agreement, our support for the application and the 5-7 month wait for the bureaucracy to deal with it.

We still have concerns regarding the still-tenuous Master's labour supply and the added complication of the Coronavirus. We are however confident that the collaborative relationship now established between AMOU and STAPL will ensure that initiatives such as the attempted withdrawal of *Northwest Snipe* from service are

Executive Officer's Report cont.

now behind us and that solutions can be found without resort to the inflammatory measures of the past.

It is sincerely hoped that this is the culmination of a successful 2-year 4-month negotiation process that will see the 4 Australian-registered, Australian-crewed gas tankers continue in service between Karratha and Japanese ports supplying the utility companies with gas until 2024.

Hunterlink

Below is CEO Gavin Kelso's update.



Hunterlink Update

A lot has happened since our last email newsletter, with many of our readers working from home and practicing self-isolation. However, we understand most of you are in essential services, continuing to work, maintaining our important trade links and providing necessary health care.

We are facing uncertain times, however Hunterlink is maintaining its highest quality 24/7 service that you know and trust. Our counsellors are working around the clock to ensure that every call to come through our toll free number, is being supported, and attended to in the same professional and timely manner that you are accustomed to.

We note there has been nationwide congestion that has caused intermittent phone issues. We value every call so if you cannot get through, you can [Facebook](#) direct message, send an online enquiry via our [webpage](#) or email directly to enquiry@hunterlink.org.au.

Please see below for Hunterlink resources to COVID-19 and **forward this email to your members, colleagues and employees.**

We may be promoting working from home, safe distancing, proper hygiene and self-isolation, however Hunterlink prides itself in continuing to provide the support you need for yourself, your members and your workplace. We want to hear from you.

International Chamber of Shipping

For excellent resources and advice on all shipboard COVID-19 related issues please use the following link:

[https://www.ics-shipping.org/docs/default-source/resources/coronavirus-\(covid-19\)-guidance-for-ship-operators-for-the-protection-of-the-health-of-seafarers.pdf?sfvrsn=6](https://www.ics-shipping.org/docs/default-source/resources/coronavirus-(covid-19)-guidance-for-ship-operators-for-the-protection-of-the-health-of-seafarers.pdf?sfvrsn=6)



IMPORTANT

ALL members who have gas, chemical or any tanker experience including FPSOs and FSOs and who are prepared to apply to Trident for a job on the gas tankers on the route between Karratha and Japan and are available for work at a month or so notice should let me know asap. Many members applied last year by sending their CVs as requested. If you still wish to be considered and there are no amendments or additions to your CV please just email me with your name and 'Trident job' in the subject line or if you need to focus your CV for the gas boat jobs please attach your full CV. Any new applicants please send me your CV. If any members are aware of anyone else whether a member or not with gas experience, please encourage them to make contact with me. mark@amou.com.am and 0437 099 886.

Western Area

Glenn Andersen

Western Area Secretary & Organiser (Fremantle)

Coronavirus

Some offshore sector employers may try to circumvent the terms of your enterprise agreement to your detriment by negotiating lesser entitlements using the pretext of the Coronavirus. This is a reminder: ***please do not under any circumstances make individual deals with your employer. Contact the AMOU whenever you get wind of such a proposal.*** We will endeavour to negotiate with offshore companies, preferably on an industry-wide basis to provide fair outcomes for members.

Vessel Inspections and Ship visits

There has been one vessel inspection: the seismic survey vessel *Ocean Champion*. No ship visits for this month. The COVID-19 pandemic has put a hold on both Ship Visits and Vessel Inspections

Please do not under any circumstances make individual deals with your employer. Contact the AMOU whenever you get wind of such a proposal. We will endeavour to negotiate with offshore companies, preferably on an industry-wide basis to provide fair outcomes for members.

Maersk Supply Services

The final sticking point was resolved with Maersk finally agreeing to pass on the 7.5% salary increase to cadets. The proposed Maersk EBA then went out to ballot and was voted up by a majority of deck officers. It is a 2.5-year term with a front-loaded salary increase of 7.5%

My message to members was the AMOU did not endorse the document. How could we endorse an agreement clearly inferior to the present EBA? However, after taking into account what I thought would have been necessary, in an industrial relations sense to retain all of those conditions, I felt the only recommendation I could make was a yes vote.

OSM EA Negotiations

The February 28th meeting produced some meaningful

progress with management coming our way on a number of clauses. The meeting closed with management committing to call me on March 10th with an update on the salary increase. That did not happen. Instead an OSM negotiator happened to mention a figure during an unrelated phone call. There was not even a request to pass on a message. This is not the way to conduct a negotiation.

I have now lodged an application with the Fair Work Commission for bad faith bargaining against OSM.

Solstad

Solstad have sent their employees the NERR (Notice of Employee Representational Rights) but there have been no invites to meet, as yet. The COVID-19 issue will most probably slow this negotiation down to a crawl.

Swire Pacific Offshore

This enterprise agreement that is due for renegotiation will also likely be delayed due to the impact of Coronavirus.

Toll Astrolabe EA

The Toll Astrolabe EBA was put out to ballot and voted up with both 100% voter participation and approval. The salary increases are 2.5%. General improvements to the old document were also won.

Westug

Westug plans on changing accommodation arrangements for their fi-fo employees from the long-established company accommodation and into mining camps. Asking employees to re-locate to these camps for the duration, no family allowed. No relocation costs. Westug believes interstate employees are not exempt from WA isolation rules and therefore need to self-isolate in Perth, at their own cost. All of this on top of earlier accommodation issues, and the incessant campaign to abandon Fair Work EBAs in favour of the partnership model.

At least with employment under enterprise agreements the maritime unions can defend their members rights. Those in partnerships will likely find out just how vulnerable they are. If a partner contracts COVID-19 whilst onboard the tug from a crew member who could not afford to stay home in quarantine, could he access workers' compensation? Probably not.

Western Area

Glenn Walsh Industrial Officer (Fremantle)

Mackenzie Towage Bunbury EA

After numerous delays caused by the employer, the ballot is finally scheduled for 1 April 2020.

Despite credible Southern Ports Authority forecasts of increased shipping movements in the Port of Bunbury for the coming weeks and months, MMT management attempted to further delay the EA ballot process on the basis that Covid-19 might somehow adversely affect their business. Evidently, MMT consider that the existence of an enterprise agreement vs their dodgy common law contracts will make it more difficult to manage their business. Quelle Surprise!

The following employer reply was received in response to the Unions' repeated and legitimate claims made in accordance with the relevant provisions of the Fair Work Act (2009)

"Hi Glenn

I do not appreciate the aggressive tone of your email and the bullying tactics you have used over the last few weeks in a time when we are trying to our best to design the EA document; taking into account the unprecedented worldwide events that is happening around us.

Seriously Glenn on a day when 10s of thousands of Australians are being put out of work and thousands of business's around the country are closing you want to threaten and intimidate a business to lodge an EA that has 14% pay increase and may jeopardise its future.

Take a look in the mirror mate that's un Australian."

We still have serious concerns for the ongoing health and safety of our members and delegates who are variously being pressured by this employer. The existence of an enterprise agreement will significantly enhance our members' rights and will provide greater protection from this unscrupulous employer.

Southern Ports Authority Pilots EA

The EA has been signed by the parties and has been lodged with the FWC for approval. A fairly long process made easier by the involvement and guidance of all of the SPA Marine Pilots. Again, I wish to highlight the leadership and tenacity shown by Les Turner and Rob Lovell

ASP MT Absolute

This is the new ASP-managed bunker tanker. Due to the travel restrictions imposed by the COVID-19 response, we are rescheduling the bargaining calendar in favour of video conferencing.

Mid-West Ports

The Unions have worked closely with MWPA management to ensure the safety of our members and to protect the viability of operations in response to the effects of COVID-19. While shipping numbers appear to be stable, the parties are conscious that ongoing sustainability of port operations is contingent upon a strict health & safety regime. MWPA are to be commended on their efforts to consult with all affected stakeholders on a regular basis.

Montara EA Negotiations

Due to the travel restrictions imposed by the COVID-19 response, we are rescheduling the bargaining calendar in favour of video conferencing.

Odyssey Marine EA

Bargaining resumes tomorrow. Pay and Superannuation are key claims to be discussed. Rumours that OM management are putting the agreement out to ballot are not credible. The current agreement has not expired and cannot be displaced.

Argonaut Marine EA

Due to delays caused by the unavailability of the AMG industrial bargaining representative, our next meeting won't occur for at least a couple weeks. AMG have yet to respond to our counterclaims relating to rosters, fatigue management, salary, annual leave and living allowances; key areas in which the parties have significantly different bargaining positions.

We have further escalated our concerns in relation to fatigue management via a complaint to WorkSafe WA. We are waiting for a response and an opportunity for our members to express their concerns which have been otherwise dismissed by AMG management.

Pilbara Ports Authority (PPA) - Port Hedland VTS EA

The Port of Dampier VTS Agreement 2020 bargaining process will commence tomorrow. Unlike the <20% union membership among the Port Hedland VTSO's, we have a closed shop in the Port of Dampier which is due in large to the efforts of the local delegates. This will greatly enhance our ability to achieve better outcomes for our members.

Oil & Gas Services Greenfields EA

In company with AIMPE, we are meeting with OGS bargaining representative Mark Hudston (Mapien) to develop bargaining protocols and to discuss relevant claims by each of the parties.

Southern Area

Chris Neiberding Senior Industrial Officer (Melbourne)

Svitzer National EA

The Svitzer EBA as its Masters will know has come to a halt. At first this was obviously to limit contact between parties and as the COVID-19 pandemic progressed we have now seen a rapid change in Svitzer's initial bargaining position. What was in this industrial officer's opinion shaping up to be a pretty good deal has now had the rug pulled from underneath it.

As COVID-19 was just developing in Australia the AMOU contacted the other two unions and proposed that we all approach the company and quickly sign an EBA and any smaller issues that had not been resolved be picked up at the renegotiation. Although AIMPE and the MUA agreed to this position we could not get it over the line with Svitzer.

Svitzer put another offer on the table which consists of the following:

- A roll over of the current EBA conditions
- 2-year term
- and 0% increases for the duration of the EBA.

Svitzer will be releasing communications with crews outlining the reasons for their new position in the next few days.

The AMOU has consulted the delegates and the other unions and our response formulated is as follows:

- A rollover of the current EBA conditions
- 18-month term starting from 1st January 2020
- 0% increase for the duration of the EBA

Our information is that the other two union positions are at variance to ours.

Svitzer COVID-19 response

The AMOU, AIMPE and MUA have been working closely with Svitzer the past few weeks to best handle the COVID-19 pandemic. We have had

regular NAB and OHS meetings and have been conducting teleconference on average twice a week. The AMOU is taking your concerns directly to the company and trying to resolve issues as they come to hand.

Procurement – although Svitzer has stated there has been no issues with procurement of sanitisers, cleaning products and PPE, we have heard there have been issues in some ports and have brought this to the company's attention.

Social distancing - we understand social distancing would not be so straight forward on a tug, but we have urged members to find out what the local HSRs and local management have put in place to help reduce members interaction with each other.

Travel restrictions and quarantine – please see elsewhere in this industrial report.

Captive ports – at one stage pressure from the 3 maritime unions meant that Svitzer has allowed all captive crew to remain home to maintain social distancing and only come in for towage and maintenance. We understand this may be in a state of flux and will also be subject to consultation with local delegates and port managers to make sure the port can operate as smoothly as possible.

Smit-Lamnalco

We understand there have been some very basic issues with procurement of cleaning products and allowing Smit employees to set up direct accounts with supermarkets that recognise Smit-Lamnalco as a critical industry, but thankfully common sense has prevailed and a this is no longer an issue.

Smit-Lamnalco Townsville

The *Cook* will be chartered by Engage Marine and leave Townsville in the next few days. We understand it will be on its way to Port Botany.

TasPorts Tug EA

Although the AMOU has had agreement in-principle for some time, we are waiting for the EBA to be put out to ballot. We have received

communications from TasPorts that following another meeting with the MUA, they are now getting closer to resolving the MUA's outstanding issues. We are pleased to hear this but also encourage all parties to get to a position of agreement quickly as the current economic environment is changing rapidly. We will be in contact with the MUA and TasPorts to see what the AMOU can do to speed up the process.

TasPorts COVID-19 response

TasPorts and the Tasmanian Government are proving to be somewhat of a leader in the COVID-19 crisis. TasPorts seems to have taken steps some weeks ago to make sure they have been listed as a critical industry and an essential service. They are not allowing any foreign crews off a vessel unless there is proof they have self-isolated for 14 days.

We also note TasPorts has stated that no employee will be at a disadvantage when they need to take leave related to COVID-19. Special leave will be put in place for those affected, this will be for all categories of employment including casuals.

TasPorts have also contacted the Federal and State government seeking stimulus packages that will support TasPorts employees and local employment.

Svitzer EBA new AMOU position:

- A rollover of the current EBA conditions
- 18-month term starting from 1st January 2020
- 0% increase for the duration of the EBA



Southern Area

Jarrold Moran

Senior Industrial Officer (Melbourne)

TasPorts Pilots

We have had one meeting with TasPorts in March where we detailed our position on what would settle our claims. TasPorts is formulating their response. We have been negotiating for over 12 months and pay rates is the main issue between us. With regards to EA term, TasPorts has offered a 3-year deal. With the current EA expiring in November 2018, a replacement EA will theoretically have less than 2 years to run.

DP World Supervisors/Superintendents

Nothing has happened in March with regard to formal discussions with DPW on a new EA. We have presented claims and initially got a response from DPW that they were happy with the current arrangements and would seek minimal changes.

Searoad Shipping

We have been bargaining with Searoad for more than 12 months and bargaining fatigue is overtaking members. We are close to a deal but just can't seem to finally get there. Members want 1:1 leave which is in line with the other unions onboard and are willing to forego wage increases to achieve that. Members may be willing to accept Searoad's position on a cap on redundancy payments and changes to joining and leaving allowances but think all other proposed changes should be put off until the next round in a few years.

Serco - DMS

Serco departed from some of its most contentious bargaining claims during EA talks on 10/11 March and provided a new wage offer which will address backpay and future pay increases. We are now waiting on a redraft from Serco to consider and the next round of negotiations is still scheduled for 2/3 April.

We also expect news soon on the successful bidder for the contract Serco currently have with the Navy.

Victorian Regional Channel Authority

The long running claim of members for compensation for excessive overtime worked between August/September 2018 and October 2019 (when proper rosters were initiated) was resolved to members satisfaction with the help of the FWC on 4 March.

Flinders Ports - Pilots

We presented our Log of Claims to Flinders Ports on 17 March. There was a general feeling in the room that due to the current state of the world maybe we should roll over the current arrangements and meet again in 12 to 24 months' time to consider changes.

Toll Shipping

We detailed our Log of Claims to Toll in a meeting on 18 March. Toll undertook to give us a written response which we are awaiting.

TT-Line - ASP EA

Our bargaining meeting on 16 March was postponed on request of ASP (COVID-19 matters). A new meeting date has not been set.

We also expect news soon on the successful bidder for the contract Serco currently have with the Navy.

Victoria International Container Terminal

VICT issued members with a draft EA on 11 March (without any prior consultation with the AMOU). The current EA expires in October. The unions who have members on the site: AMOU, MUA and ETU served a Log of Claims on VICT on 24 March. Members were advised on 26 March that VICT wanted employees to vote to approve its proposal with voting taking place between 6 and 9 April. We have requested meetings with VICT but no date has been set. We will advise members of our position on the VICT document, but it appears to have not included any of the unions' claims.

Aurora Australis

The *Aurora Australis* completed her last voyage for the Australian Antarctic Division and returned to Hobart on 25 March. Due to travel restrictions the AMOU was unable to meet with members. COVID-19 has disrupted the plans of P&O on the future of the vessel and crew requirements. These matters are being worked through at the moment.

Eastern Area

Marty McEvilly Industrial Officer (Sydney)

ASP Rio Tinto Fleet EA

In positive news, on 19 March 2020 the full bench of the Fair Work Commission handed down its decision in our appeal against the approval of the *ASP Ship Management/RTM Officers Enterprise Agreement 2017* (the EA). The full bench agreed in full with our argument and criticised the decision of the Commissioner to find both that the *Compensation for Medical Inability to Revalidate Certificate* clause to be discriminatory on the basis of age as well as accepting ASP's undertaking that it was to have no effect. The EA is now approved and in effect in full, with the entitlement to compensation if medically unable to revalidate protected. My thanks to members for their patience while we ran this appeal but I'm glad we have finally succeeded, and the protection remains for those covered by this EA and secured from attack in countless other agreement.

ASP Gladstone Bunkering Facility EA

Now that the appeal against the Rio Tinto Fleet agreement has been successful (see above), ASP have agreed finally to progress with the EA. They are now satisfied that the Commission won't apply the same approach to the compensation for loss of certificate of competency clause that also features in the *Larcom* EA. After over a year of negotiations before the most recent delay, the claims have been largely finalized. ASP advised that they would provide us with a draft version of the agreement before the end of March to review. Once this is received, I will provide feedback to members and try to progress as quickly as possible to a vote.

Transdev Sydney Ferries

Covid-19 is a significant concern for many members at Transdev Sydney Ferries, understandably, given the level of interaction employees at the ferries have with the general public. However, you all also have a crucial role in the management of this pandemic – particularly in assisting frontline healthcare and other essential personnel to get to work. The WHS committee is now meeting three times a week, so should anyone have any concerns or suggestions, please raise them with your Delegate or HSR. I ask all members to continue to read the updates that come from each of these meetings and follow the advice provided. Transdev have been holding meetings with the Unions to discuss the steps they have been taking and it is clear that they are focusing on ensuring the work environment for all of their employees is as safe as possible based on the most up to date advice.

At the time of writing, the ferries are still operating with a full timetable. Transdev have been asked to prepare models of what a restricted service could look like and they will share them with us shortly. However, based on the advice of Transdev management, their intention and the information they have received to date is that a full timetable is preferred and that is what they are intending to provide until directed to do otherwise.

A few other industrial issues have been put on hold as a result, which is to be expected as new issues arise as a result of this difficult situation. Please speak to your delegates if you have any questions about any issue.

Fantasea Cruising Masters, Coxswains and Deckhands EA 2019

Final verbal submissions were delivered in a FWC teleconference hearing on 25 March 2020 in the MUA's objection to the EA, which we have supported. The decision is now with the Commissioner as to whether or not he believes the *Ports, Harbours and Enclosed Water Vessels Award 2010* should be used to determine whether or not the agreement passes the Better Off Overall Test, or the *Marine Tourism and Charter Vessels Award 2010*, as has been argued by NRMA. Should the Ports and Harbours Award be applicable, then it is improbable the agreement in its current form will be approved. If the Commissioner rejects the Union's argument, then it is most likely that the agreement will be approved. The time for a decision from the commission is variable, and with the pandemic it is difficult to speculate how long we will be waiting for a decision. Hopefully within the next month or two. I understand that this may come as small solace to the members who have been stood down at this trying time. Please contact me if you require any support.

Port Authority of NSW – Newcastle EA

The *Port Authority of New South Wales - Newcastle Enterprise Agreement 2019-2023* was put out to a vote in late February. Of 42 eligible employees, 37 voted, with 27 responding in favour of approving the agreement. It has now been submitted to the Fair Work Commission for approval. I don't expect there to be many delays in the approval of the agreement, though it remains to be seen the impact that the current crisis has upon the workings of the Commission. Please continue to speak to your delegates should you have any questions about the EA or the MOU that has also been negotiated. VTIC members should also be prepared for further consultation as the move towards a fully licensed VTS takes place in the coming months.

Port of Newcastle EA

Members will be aware that I put out a memo following the most recent EA negotiation meeting to call for a vote on taking protected industrial action. Since that time, the coronavirus pandemic has escalated and following feedback from delegates and members, we have stepped back from that and spoken further with PON. They have made a number of concessions that they were unwilling to do in the last negotiation, specifically around the salary (CPI will be the applicable annual salary increase should it exceed 2.5% in any given year) and scope. PON have provided us with a draft EA that incorporates all of the changes discussed and we will have one final meeting in the first week of April where I anticipate we will be in a position to put an agreement out to members to vote. I know this has been a long and trying journey, but we are almost there. My thanks to delegates and all members for their continued assistance during this process.

Port Authority of NSW – Sydney

Most industrial matters, including the Glebe Island ERT dispute and VTS consultation have been put on hold due to the resources that PANSW are putting into addressing the Covid-19 situation. Despite this, there are some concerns being raised by members regarding the way PANSW is managing the situation, including failing to abide by the 14-day isolation policy for vessels coming from the four named high-risk countries as well as the *Ruby Princess* cruise ship debacle. We will continue to work with members and PANSW on these matters as they arise. The Consultative Committee meeting scheduled for the last week of March has been postponed, unsurprisingly.

Port Authority of NSW – Port Kembla

A teleconference consultation meeting took place to discuss the transition to VTS in PK on 19 March 2020. The Harbour Master confirmed that the project is still on track with only minor delays caused by Covid-19 and still expects AMSA to give PK a VTS license by the end of June 2020. I have concerns regarding training being a secondary consideration from Port Authority in the process, which PANSW have promised to address. They have also praised the professionalism and hard work of members to date throughout the process, which is a sentiment that I echo. The next consultation meeting is due to occur in mid-April.

INCO Ships

We have made no further progress on this. Ship visits will be put on hold due to the current circumstances and we are still waiting on AIMPE to confirm their log of claims to bring back to INCO.

Teekay Shipping (Australia) – *Dampier Spirit*

Since the last update, there has been one further meeting between the three Unions and management to discuss the sale of Teekay Offshore, the part of the company that owns and manages the *Dampier Spirit*. They took our feedback on board regarding the draft deeds they provided, and we are awaiting a further copy with that feedback included. As reported last month, they have turned back from the notion of having members employed by an offshore entity with only a single asset and are taking our feedback on board. I once again thank members for their patience and understanding during this process and more information will be provided as we get it.

Roads & Maritime Services (NSW)

The process of integrating RMS with Transport for NSW has not been put on hold, with consultation meetings continuing to go ahead to discuss that significant body of work. Unions NSW continues to drive this process, though with regular meetings now occurring with the TfNSW Covid-19 Taskforce, I would expect that this will reduce in priority in the coming weeks. We have a number of members who continue to provide essential services at this time. Should anyone have any questions or concerns, please feel free to contact me.



Eastern Area

Tracey Ellis Organiser (Brisbane)

COVID-19

It has been very busy on the pandemic front. I've seen everything from companies saying, "We don't need to buy hand sanitiser" to employers who have impressive Special Leave policies. Most employers have set up robust business continuance plans and are following the sanitising and social distancing rules. Some have also split their crews into isolated work teams to reduce the risk of people catching the virus.

The effects of the virus have been especially harsh for the Cairns and Port Douglas tourism industry. All reef tourism companies have temporarily shut their doors and one has apparently gone into voluntary liquidation. The companies I have spoken with are devastated for their crews and are especially concerned for the ones who are not Australian citizens who can't get home and can't get Centrelink assistance like us. The AMOU is working behind the scenes to help where possible including lobbying the Government for more assistance.

Bhagwan & Hall Contracting

Management of both companies facilitated meetings with the AMOU, the MUA, and all of their employees on the Gladstone Dredging project to discuss joining the union and negotiating an East Coast Enterprise Agreement that levels up the playing field across the dredging industry. The hope is to increase the wages of employees and stop the race to the bottom that has been happening when companies compete with each other by decreasing wage costs. If all goes according to plan, companies will be winning jobs based on their equipment and their reputation for being a safe operator instead of cheap labour costs.

Entrada Group

Entrada Group is made up of *Diver's Den*, *Tusa* and *Spirit of Freedom*. They have temporarily closed their doors and stood down about 215 employees due to the effects of Government COVID-19 restrictions and a massive downturn in the industry. They have not indicated a timeframe but hope to resume services as soon as possible. The EBA negotiations had progressed to a point where most log of claims items had been closed out. We will resume negotiations once the business reopens and is in a position to progress things.

Ports North Maintenance

Ports North has issued Notice of Representational Rights to employees to kick off the EBA negotiations for the *Administrative and Technical* and the *Operations and Maintenance* enterprise agreements.

Ports North and the AWU are currently disputing the AMOU's coverage of the relevant positions under the agreements so this should be interesting.

Smit Lamnalco - Gladstone

Our casual conversion dispute has finally been resolved after the two casual Masters were given permanent 50% roles. The delegates and I met with management last week to try and resolve some of the outstanding issues from our list. The company has agreed to look into a possible underpayment of Super and has asked anyone who thinks they have been affected to email payroll and if the issue is not resolved there satisfactorily then email management where they can attempt to address it. It is likely that most of the other items will be escalated to the new IR manager in the coming weeks.

The Fair Work Commission still has not released a decision on the GMDSS dispute.

Smit Lamnalco - Townsville

The AMOU was successful in getting Smit to agree to training all Masters on the Unilever tugs that are used when the normal tugs go to dry dock.

It appears that the Department of Environment and Science has also dropped their investigation into the company's handling of PFAS firefighting foam. This is extremely disappointing because the foam was confirmed to be PFAS and employees had tested positive for the same chemical compounds. The AMOU urges anyone who has transferred firefighting foam to get in touch with HR to be tested.

Australian Reef Pilots

EBA negotiations are continuing despite the overnight loss of the cruise ship business in the area. There was even an example of a Pilot and all passengers onboard ready to depart and at the last minute being told to leave the ship because the cruise had been cancelled. ARP has committed to stand by their Pilots and minimise the impact on everyone for as long as possible.

The AMOU has given the company a draft EBA. ARP said that our proposed document is reasonable, and we can work towards getting the items agreed. The non-union members have notified the company that they want their voices heard at the EBA table and are pushing for the Pilots Advisory Forum to be reconvened to facilitate this. We are concerned that this will add unnecessary time and drama to the negotiations and encourage all members to talk to the non-union members about joining the AMOU and getting their voices heard that way. Once we hear back from the PAF representative then we can organise the next meeting.

Pro Dive

Pro Dive has stood down approximately 55 employees for a period of 6 months because of COVID-19. They will maintain a small number of employees for maintenance and administration duties. They have suspended their scheduled dry dock maintenance as well. The company is providing all assistance required for employees to get Centrelink assistance as fast as possible and are lobbying to get government assistance for the non-Australian residents who can't get home.

Prior to the dramatic closure of the dive industry, Pro Dive put their enterprise agreement out to ballot despite the Unions telling them that it won't pass the BOOT because they are using the wrong Award and they have not completely addressed the fact that more hours are being worked than are compensated for in the daily rate. The ballot was very close and only got up because the company agreed to pay the 2% increase as soon as it got a yes vote. Pro Dive lodged their EBA for approval at the Fair Work and the AMOU has notified Fair Work Commission that we do not agree to the EA being approved. The FWC is yet to notify us of an outcome.

North Queensland Bulk Ports

Some Pilots and I previously met with NQBP to discuss the way DILs are currently being paid for training. The AMOU is of the belief that the EBA clause only relates to on-water training and therefore DILs should be paid when at the simulator. The company still disagrees, and it is likely that this dispute will escalate to the CEO level and then to the Fair Work Commission for an independent interpretation when time permits.

Port of Townsville

AMOU members have put it to POTL that they would like a 12 month roll over of the current agreement to avoid adding extra pressure during the COVID-19 crisis. POTL are currently considering this and will get back to us with an answer in due course.

P & O Aburri & Wunma

The officers and engineers of the *Aburri* have agreed in principle to the company's offer which included paying for travel, full backpay and a 10.5% pay increase over the life of the agreement. There are still a couple of finer details to work through and the AMOU and the AIMPE were due to meet with P&O to finalise these but unfortunately with the COVID-19 issues arising this seems to have been put on the backburner. I'll try and get P&O back to the table ASAP. The HR manager did not get back to us with an offer for the officers onboard the *Wunma* and I will continue to chase this up.

Quicksilver and Great Adventures

Quicksilver will temporarily suspend their operations in Cairns and Port Douglas from Friday 26th March, except for a work boat to maintain the pontoons and a trip per day to and from Green Island.

Having previously survived the downturn in customers during the SARS outbreak in 2003, Quicksilver management has been on the front foot from the outset of the COVID-19 and has been completely open and transparent with their employees. They had hoped that their contingency plans would be enough but unfortunately after such strict Government quarantine measures became necessary, they've had to stand down approximately 300 employees.

Transdev Brisbane Ferries

The AMOU and the MUA has been in regular contact with Brisbane Ferries management with regards to COVID-19. We successfully lobbied to get contract cleaners in to sanitise the vessels daily and an air purifying system in place. I have a meeting with them and will continue to lobby for more protections for employees at a higher risk of catching the virus. At this stage there are no planned service reductions, but this may change as future Government policies are introduced.

Gladstone Port Corporation

Late last month I visited the Pilots and the Launch Masters. Since then, the AMOU Pilot delegate has been working with GPC to create a robust COVID-19 contingency plan. Their Special Pandemic Leave Policy is the most generous that I have seen to date with the Port paying 20 days leave to anyone who catches COVID-19, is required to care for family members who have fallen ill with the virus, or need to care for children as a result of school or childcare centre closures. I hope to see more companies follow their lead.

Coral Knight

Teekay has just sent out the Notice of Representational Rights to employees to begin the negotiation process. This is earlier than anticipated considering the EA doesn't expire until November next year. Members should start thinking about what they'd like to see in their log of claims. I'll be in touch as soon as I know meeting dates.

MSQ

The AMOU and AIMPE attended the MSQ Consultative Committee meeting where we raised issues of VTSOs not getting breaks, the future VTSO review, OT payments, and starting up an EBA working group to collect items for discussion before the next EBA negotiations so the process doesn't become drawn out like last time. The CEO is open to starting negotiations earlier than the 6 months the Agreement allows, but this depends on the Government. He is happy for us to bring issues to him before then to resolve so the EBA can hopefully be finalised before it expires. Please let me or Darryl Dorrn know if you'd like to be part of the EBA working group, or if you have any suggestions for the next EBA.