

# QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams* No. 158 – 30 November 2018

## Annual General Meeting – Activism Against Gendered Violence – Townsville Wharfies Ready to Rumble – Brisbane Tugs Donate - Huge Win for ETU – Union Density – Hutchison - More Loss of Life

### Successful Annual General Meeting

A REASONABLY WELL attended AGM was held on Thursday 29 November 2018. MUA National Assistant Secretary, Warren Smith delivered the National Report and the Financial Report, both of which were adopted. Branch Secretary, Bob Carnegie delivered the Branch Report and the Branch Financial Report, both of which were adopted.

There was good debate done in a spirit of comradeship. After the meeting there was some nice food and a few beers which were enjoyed by all.



Members at the AGM



Two terrific men, Jeff Langdon and Wayne Clancy at the AGM

### 16 Days of Activism Against Gendered Violence

THE STATISTICS ABOUT gender-related violence in Australia are too shocking to ignore. More than 58 women have been killed this year. 11 were killed in October. Our union can't accept it. We won't accept it. We need to do better. That's why we are proud to support 16 days of action against gender related violence.

This is an issue everywhere in society, but it's also a union issue. 64% of working women, including our members, have experienced bullying, harassment, sexism and violence in their workplace. When any group of union members faces statistics like that, we will stand with them and fight back. We must stand with our women members now.

We're also asking members to join the campaign. Please use your social media voice and say No. Take photos with the [sign](#) or NO written on your hand and post to Instagram or Facebook using hashtags #endvaw #cfmmeusaysno

It's about equality. It's about respect. It is union business. I hope you'll join us in supporting the campaign.



Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary  
73 Southgate Avenue, Cannon Hill QLD 4170



The Townsville Wharfies, under the MUA banner are ready to rumble and fight to hold onto their wages and conditions won over a century of battles. *Bob Carnegie*



### Queensland Branches of ETU and MUA Solidarity Pact

AFTER SIGNING OFF on another solidarity pact which has been of immense value to both unions, Peter Ong (Ongy) spoke on the importance of the pact and the solidarity the exists between the two Branches. Ongy spoke with great conviction and was warmly received by all our members. Ongy also spoke on the real pressure Bob Carnegie had been put under concerning our alliance, however Bob continues it as it is in the best interest of his members. Pete also pledged solidarity to our upcoming struggle in the Brisbane Ferries.



*Left to right: Stu Trail - State Organiser ETU, Paul Gallagher – Assistant Branch Secretary, Paul Petersen – Assistant Branch Secretary, Peter Ong - State Secretary ETU QLD/ NT Branch, Bob Carnegie – Queensland Branch Secretary, Jason Miners – Deputy Branch Secretary*

### Townsville Wharfies Ready to Rumble!

ON TUESDAY 27 November myself and Branch Assistant Secretary, Paul Gallagher had a series of very strong meeting with unionised wharfies in the Port of Townsville.

There is a strong rumour that Suns Metal intend to attempt to open up a non union operation. The Queensland Branch and the entire MUA is totally and utterly opposed to this. We pledge to fight this with our whole body and soul.

Bob Carnegie spoke on how, with the support of the support of the ETU in this State, the Branch had created a real presence in the ALP and this had been borne out in many ways. Two which had come to hand were our huge battle against partnerships in the Towage area and getting an intra state coastal shipping commission up and running.

Our Branch looks ahead to working closely and in the interests of our members and the working class with the ETU over the next 3 years.

## Brisbane Tugs Donate

BRISBANE MUA MEMBERS from the tugs kindly donated \$400 to the Mission to Seafarers to assist them in supporting seafarers from all over the world, often who are subject to the worst working conditions imaginable.



We are an international union and we look out for working men and women wherever they come from. Well done comrades! One struggle - one fight - workers of the world unite!

## Huge Win for Queensland/NT Branch of ETU

### Possibility Union Role Played Part in Delegate's Dismissal: Court

Source: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au)

A COMPANY MUST reinstate an ETU delegate for at least six months until the outcome of his adverse action claim, the Federal Court finding "some evidence" connecting the dismissal with his union role.

Electrix summarily dismissed the Queensland-based asset inspector earlier this month for breaching its code of conduct by failing to wear personal protective equipment (PPE), as well as a timesheet issue and using the company vehicle while working away from home.

The company alleged that the inspector – who serviced a large area between Rockhampton and Mackay – booked accommodation in Mackay when directed to stay in Sarina and that his fuel usage indicated that he drove the company vehicle 900km further than required.

However, the inspector claims that on the day a supervisor chastised him for not wearing PPE, he was on a "travel day" heading back from a remote location to Rockhampton and that the code of conduct only required him to wear PPE when "work was being performed".

Submitting that it is common practice for workers not to wear PPE on "drive home days", the inspector says he kept the PPE in his car while meeting with the supervisor, in case he was asked to carry out an inspection.

But when the supervisor arrived, the inspector alleges he said, "you have got to be fucking kidding me" and,

when asked what was wrong, responded "you're the union delegate".

"This is bullshit, you're fucking not wearing any PPE, and your fucking offside isn't wearing any PPE either," the supervisor allegedly said. "*Prima facie* case for relief"

As part of his adverse action claim, the asset inspector alleges that since becoming an ETU delegate in August and involving himself in bargaining for a new agreement and a dispute about Sunday penalty rates, the behaviour of his managers has changed towards him.

An Electrix senior scheduler denies making an alleged derogatory comment against him, while the company maintains there is no evidence of a connection between its decision to dismiss the inspector and his union role and activities.

The company has also provided affidavits from managers who were responsible for or involved in his dismissal, each denying "that his employment was terminated for any reason to do with his position as a union delegate".

Justice Darryl Rangiah this week said there was, however, "some evidence connecting the role of [the inspector] as union delegate with the termination of his employment".

In his reasons for granting an interlocutory injunction requiring reinstatement until the outcome of the claim, Justice Rangiah noted the supervisor "made express reference to his position as a delegate when chastising him for not wearing PPE". "It was the failure to wear PPE that led to the chain of events that resulted in this termination," he said.

Justice Rangiah also referred to the inspector's submissions that "the reasons given for the termination are weak or trivial, which suggests that they were not genuine reasons".

"It may be said that there is nothing in the code of conduct which specifies or indicates that an employee is always required to wear PPE when driving from one place to another or when required to meet a supervisor at a site," Justice Rangiah said.

"Of course, [the inspector] may have been required to inspect an asset, which would likely have required him to wear PPE, but the situation never reached that point."

Justice Rangiah also observed that the code of conduct did "not place any absolute prohibition upon private use of a work motor vehicle", but that there were "restrictions upon private use".

"He does not appear to have been provided with an adequate opportunity to address the allegation, which may suggest that the reason was not genuine." Justice Rangiah said he was "satisfied that the applicant has demonstrated a *prima facie* case for relief for contravention of [s340](#)(1) of the Act".

Other than noting that he "took into account that at trial, the onus will be on Electrix to overcome the presumption that arises under [s361](#)(1) of the Act", he said "it is

undesirable for me to say anything more about the strength or weakness of the case".

**Compensation not "adequate remedy" without order**  
Justice Rangiah said he was also "satisfied that the balance of convenience favours reinstatement of [the inspector] to his employment on an interlocutory basis". "I take into account that [the inspector] has deposed that he has a mortgage and debts that he will be unable to service without employment, and that he deposes that finding alternative employment is not particularly easy in Rockhampton."

Foreshadowing that it would likely "take at least six months before the matter proceeds to trial", he said that "of particular importance is that I consider that compensation would not be an adequate remedy". "There is likely to be a personal and psychological impact upon any person as a result of forced unemployment," Justice Rangiah continued.

Although Electrix said they had lost trust and confidence in the inspector as a result of his conduct, the judge further found that the "reasons given for the termination of his employment are not such as to demonstrate that they would be unable to work with him in a productive manner".

"For these reasons, I consider that an interlocutory injunction should be granted requiring Electrix to reinstate [the inspector] until the hearing and determination of his proceeding or until further order," Justice Rangiah said, recommending the trial be "listed and heard expeditiously".

[Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Electrix Pty Ltd \[2018\] FCA 1879 \(16 November 2018\)](https://www.theaustralian.com.au/national-affairs/industrial-relations/fewer-workers-are-joining-unions/news-story/a68b5b590af4210130fd600c6a36d299)

### **Union Density** by Bob Carnegie

AS I HAVE written about on numerous occasions, this is the most critical issue facing the trade union movement today. If these falls in union density are not addressed, we will become just another pressure group in society and our dwindling influence become complete.

### **Fewer People are Joining Unions** by Ewin Hannan

Source: <https://www.theaustralian.com.au/national-affairs/industrial-relations/fewer-workers-are-joining-unions/news-story/a68b5b590af4210130fd600c6a36d299>

UNION MEMBERSHIP REMAINS steady at 1.5 million but has fallen as a proportion of the Australian workforce, declining to 14.6 per cent.

Latest Australian Bureau of Statistics data released yesterday shows 1.133 million full-time workers and 402,000 part-time workers were union members in August this year, a net 11,700 reduction from 2016.

However, the total number of full-time and part-time workers who were not in trade unions grew by 376,000 over two years to 8.374 million. As a proportion of the workforce, union membership fell from 15.3 per cent two years ago to 14.6 per cent.

While the ABS did not release a split between the private and public sectors, union membership in the private sector has been previously recorded at less than 10 per cent.

ABS chief economist Bruce Hockman said union members were more likely to be over 40, -female, and working full-time. An estimated 800,000 union members were female and 735,000 union members were male.

The median earnings for employees who were union members in their main job were \$1300 a week, compared with \$1025 for employees who were not union members in their main job.

At 33 per cent, education and training was the industry with the highest proportion of employees who were union members. It was followed by public administration and safety at 30 per cent and electricity, gas, water and waste services at 29 per cent.

The proportion of employees in healthcare and transport who were union members was more than 20 per cent while construction, manufacturing and retail trade was about 12 to 13 per cent.

The occupations that recorded the highest proportion of employees who were union members were professionals with 21 per cent; machinery operators and drivers at 19 per cent and community and personal service workers at 18 per cent.

### **Chilean Dock Worker Loses Life on the Job**

WITH GREAT REGRET, another fatal accident has claimed the life of a longshore worker last Wednesday morning (21 November) at the Chilean port of Huasco.



In the accident, we're made to understand that while loading the M/V PRONOI R with a cargo of iron ore, the boom of a marine loading leg collapsed upon Sr. Jorge Alejandro Chilcumpa. Allegedly, Sr. Chilcumpa was engaged in positioning the cargo loading appliance at the time. Metal fatigue has been mentioned as a potential cause by the relevant investigating authority.

### **Another Dock Worker's Life Lost**

CLAUDIO GUTIÉRREZ SARAVIA, a 52 year old longshore worker, was killed in a forklift back-over event within a storage warehouse at Lirquén port, Chile on the morning of 5 October 2018. Initial reports indicated that the incident took place aboard a docked RoRo vessel, but

a continuing dialogue with port personnel has clarified the venue as being Warehouse No. 11.



Ironically, local press reports dating back to March of this year set out the port's deployment of advanced RF technology installed on larger industrial trucks that would be able to detect pedestrian employee presence (through a device situated within the workers' hard hat). In the wake of the 5 October incident, it might be advisable to also install that RF technology on industrial trucks of smaller size/capacity as well. Moreover, based solely on the levels of illumination shown in the photograph below, supplemental illumination may be requisite within the warehouse.

### Hutchison Ports: Thailand Welcomes Its Largest Boxship to Date

Source: <https://worldmaritimeneews.com/archives/265525/hutchison-ports-thailand-welcomes-its-largest-boxship-to-date/>

PORT OPERATOR HUTCHISON Ports Thailand has welcomed the 14,053 TEU ONE Columba, a new containership owned by Ocean Network Express (ONE), at its Terminal D at Laem Chabang Port.



Image: Hutchison Ports Thailand

With a total gross tonnage of 145,647 tons, ONE Columba features a length of 364 meters and a width of 51 meters. The newbuilding was delivered to ONE by Kure Shipyard in Japan earlier this month.

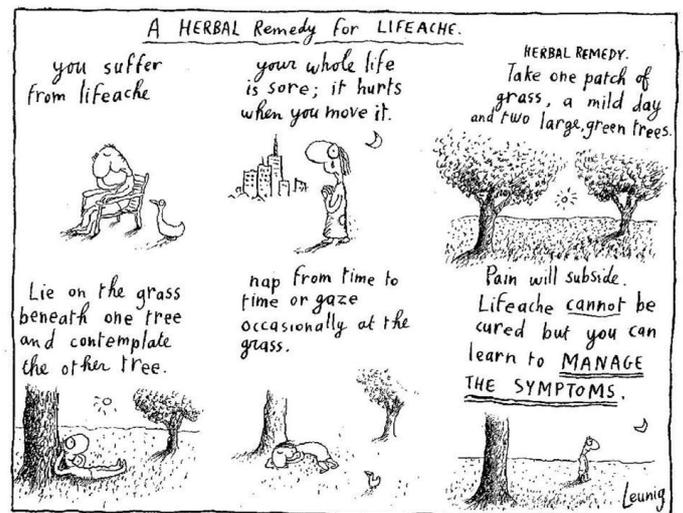
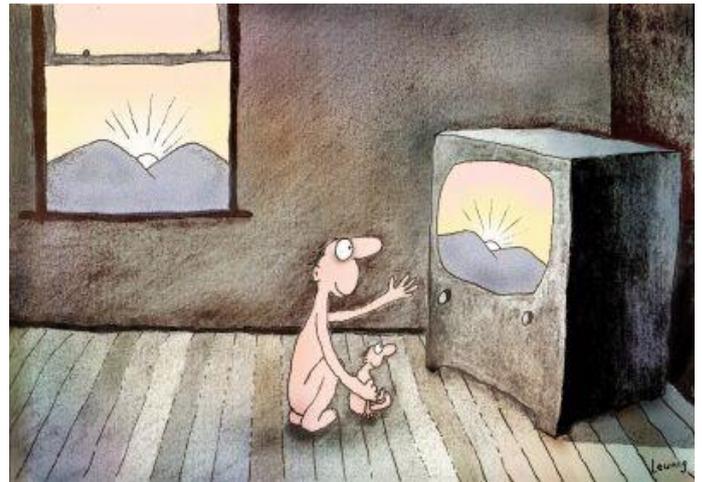
As informed, this is the first time a container vessel of this size has berthed in Thailand. On this occasion, Hutchison Ports Thailand deployed new remote-

controlled quay cranes to handle 2,269 containers loaded to the vessel.

Terminal D is the first terminal in Thailand to handle some of the largest ocean-going container vessels. Once completed, the new Terminal D will have a total quay length of 1,700 meters, with 17 Super Post-Panamax quay cranes and 43 electric rubber-tyred gantry cranes all using remote control technology.

The terminal is expected to facilitate the growth of container volumes at Laem Chabang Port, adding a further 3.5 million TEUs of capacity.

### Cartoon Corner



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