

MAY NEWS

WMWA winning for members at the Fair Work Commission

Earlier this year, a member was stood down pending investigation. Due to the conditions in the terms of settlement, signed by the member and Pilbara Iron, The WMWA are unable to identify the member nor provide specific details regarding the matter.

The member had a disciplinary history as there were extensive years of service. The disciplinary records stretched back a number of years dispelling the myth that discipline is wiped off your record after 5 years.

Disputing NTF's and Written Warnings is something to keep in mind for existing members and workers, particularly in the current environment. If you receive a NTF or Written Warning and don't feel it is fair you can use the the Fair Treatment System with the Union's support to clear your name.

In short, the member's matter was not black and white and in support of the member we made the case for reinstatement.

After two months of disputing, the final decision to terminate was confirmed by the GM after that we lodged a case for unfair dismissal at the Fair Work Commission.

At the first attempt to resolve the matter at the Commission, known as a 'Conciliation Hearing', we were able to negotiate an outcome that pleased the member. This was clearly appreciated as it was in addition to the entitlements and notice period paid out prior to the hearing.

Without Union support, this member would never have had even considered disputing the matter at the workplace level let alone taking it to the Fair Work Commission. It really does pay to be in the Union and with our growing representation workload we won't be taking on workers who have pre-existing issues.

You don't insure your house once it's burnt down, join the WMWA today.

www.wmwa.org.au/join

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Workers Standing Up for Safety Should Not Be Stood Down

Late last year, a member refused to work out in Channar pit at Paraburdoo Mine due to reports that speeding trucks were a safety issue in that pit. He exercised his right to, 'refuse to work', section 72 of the MSI Act.

Concern regarding haul truck speeds were high as a management decision to increase haul truck speeds from 40km/h to 60km/h accompanied by brief training sessions was objected to by SHRs at that site. The SHRs stated in safety meeting minutes that the increase to haul truck speeds would, 'result in serious harm to life and truck'. Later that year, a tragedy occurred at Channar pit.

Coming back to the worker who was stood down; the member was investigated but supported by the WMWA. Eventually, the worker was cleared to return to work. The worker reported being intimidated by his Supervisor after refusing to work in what he felt was an unsafe environment.

The investigation deemed that in the future, if the worker is to object to a task he is to be given alternative duties as per the MSI Act Section 73 (below) and they are to involve a SHR and the Supervisor is to discuss the specific safety issues. A record of discussion was issued which is essentially not disciplinary.

*73. Employee refusing to work may be given alternative work
An employee who refuses to work as mentioned in section 72(1) may be given reasonable alternative work to do until that employee resumes his or her usual work.*

Immediately post the settling of the matter, the worker was voted in as a proxy SHR. The worker is continuing to stand up for safety and has been issued multiple records of discussions as he continues to raise safety concerns which are felt Pilbara wide, particularly in relation to Rio's policy that workers are to work through lightning storms.

There is a protocol to follow when objecting to work on grounds of safety, the objection needs to be valid and evidenced and you will always need to have a SHR involved. Prior to considering this action discuss it with your SHR or the Union. You are protected by legislation, 'Section 69', if you refuse to work but there needs to be steps followed in order to address safety concerns thoroughly and in line with the MSI Act to avoid breaches.

Both employee's and employer's need to abide fully by the Act and exercise it to its full extent if there is going to be a genuine culture towards minimising injuries and deaths on site and the WMWA will always support this as will DMIRS. www.wmwa.org.au/join

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