

On Monday the 13th of March your bargaining representatives met with Rio Tinto in Perth. Our expectation of this meeting was to hear a detailed position on the Draft Proposal that was presented to them at the last meeting in late January some 6 weeks earlier.

To say Rio's response was disappointing would be an understatement. No response to detail was given, no specifics provided and in fact the only response was a one-sentence line on a piece of paper, this after 6 weeks!

In short, Rio stated that they felt the proposal does not offer anything in terms of 'Productivity Benefits', they presented a clause from the Fair Work Act, below:

171 Objects of this Part

The objects of this Part are:

- (a) to provide a simple, flexible and fair framework that enables collective bargaining in good faith, particularly at the enterprise level, for enterprise agreements that deliver productivity benefits;
- and

Rio focussed on the sole words, 'productivity benefits' and stated that the agreement broadly provided only restrictions and inflexibility, they stated they did not want to be in a position to terminate an agreement because it didn't provide flexibility for them to make changes to things such as rosters and allowances (sound familiar)?

Your bargaining reps balanced the conversation saying that collective bargaining is about employees having a say on their conditions of employment and having security around those conditions.

Head of C&T operations Mick, said that they were planning to do a review into 'productivity' and 'improvement' in April. They would be looking at the contractor numbers and full time employees across the business in the east and west. Mick felt that this review is part of the EBA process.

Gary Wood, WA Secretary of the CFMEU Mining and Energy Division made the point that bargaining was about consistency across the business. Alex Bukarica the National Legal Director of the CFMEU Mining and Energy Division representing the Alliance added that, "Rio are emphasising one thing for

employers, it is not just about productivity it is about giving something back to the employees”.

Through the discussions, Gerry Cunniffe C&T worker’s representative provided real life examples as to how there were productivity benefits gained from the application of the disruption allowance. He explained that he was asked to do a VAS, knowing this is voluntary he declined, instead he asked to do it as a disruption, after discussions with his superintendent it was agreed that the three extra days were classed as disruptions and he agreed to do the extra shifts. If he didn’t do the shift Rio would have had to get contractors which would have cost the company anywhere between \$200k and \$300k. The disruption may have been about \$2000, a saving was made of at least around \$298k, the costings of our agreement are at the most roughly \$160k per year. This is clearly a productivity benefit. The job was cancelled a couple of days prior to starting due to operational reasons.

Gerry went on to read the ‘Commute’ allowance from the Allowances policy, he stated that it wasn’t clear that ‘Commute’ was for working night shift. It was clearly for working as a FIFO, who commute back and forth to the mine site and their home, taking them away from their home and family life, their personal life. Rio argued that ‘Commute’ allowance covered FIFO staff to work night shift. At this point in the meeting there was a break called as our reps were feeling frustrated at the table.

After a much-needed breather and strategic caucus the WMWA reps resolved to end the meeting with Rio and move forward by exercising the FWA Collective Bargaining legislation to seek assistance from the Fair Work Commission under section 240 of the FWA

- (ii) dealing with disputes where the bargaining representatives request assistance;

Next Steps

That is where we are with collective bargaining, we have decided the best way to represent you is to exercise some industrial strength to take Rio to the Commission.

The process of bargaining is a long one and it’s early days yet. We will be calling members individually and sending emails to all members to remind members

and workers that we must dig our heels in to work towards securing our working conditions and paving a way for future collective agreements.

Want to know more?

For more information on bargaining contact your local organisers Jeff – jeff.carig@wmwa.org.au or Andrew – andrew.smith@wmwa.org.au