

THIS YEAR IN NSW....

DEPUTIES NEGOTIATIONS IN THE ILLAWARRA

Over the past 6 months three mine sites have had Enterprise Agreements come up for negotiation. Appin, Dendrobium (BHP sites) and Metropolitan (Peabody) have each begun the process towards new Enterprise Agreements for Deputies.

Appin negotiations started first. For over six months APESMA and our delegates and management worked on finding a suitable outcome. Unfortunately Appin would not budge on their pay offer. This lack of negotiation on Appin's behalf brought a fiery response from members who took a 2 week stoppage in November to show their disapproval. Negotiations continue.

Dendrobium negotiations for a new Deputies Enterprise Agreement started in August, a full 3 months before they needed to start. Over the preceding months the Dendrobium management have tried different ways to settle the negotiations without addressing the major problem. Like Appin, Dendrobium is after an increase in pay. Negotiations continue.

Metropolitan also has a Deputies Enterprise Agreement, which is currently up for negotiations. At present Metropolitan delegates, APESMA and management are in the initial phases of communication and will continue the negotiations into the New Year.

For all three sites the process has been slow but has already brought important changes, which will benefit the members at those sites. Hopefully with a New Year comes a renewed focus from management on the value of their statutory labour and a quick conclusion to the negotiations.

RETRENCHMENT PROVISIONS FOR STAFF OVER 60

APESMA has lodged an application with Fair Work Australia to dispute Centennial's interpretation of the Black Coal Award in relation to redundancy entitlements for Staff close to, or over the age of 60.

Centennial says that under the Award they do not have to pay the two weeks retrenchment payment to anyone over the age of 60. APESMA believes this may be discriminatory, and we believe that the Fair Work Act now rules out age based discrimination.

APESMA has initiated a conciliation conference with Centennial in Fair Work Australia on 20th December 2012 to try and resolve this issue with the assistance of Fair Work Australia.

HUNTER COLLIERY SERVICE STAFF GREENFIELD EA

History has been created at Hunter Colliery Services as Technical Service employees sign their first Enterprise Agreement. The campaign towards an Enterprise Agreement started by Staff culminated on Friday 14 December when Fair Work Australia approved the negotiated Enterprise Agreement.

This agreement provides strong workplace conditions and rights for these APESMA members and provides a solid foundation for future negotiations. Well done to all involved!

XSTRATA REDUNDANCIES

In late October Xstrata announced through a media release that there were to be major workplace changes occurring across numerous mine sites across Queensland and New South Wales. The Collieries Staff Division of APESMA was there from the outset ensuring the rights and conditions of affected employees.

Working with Xstrata APESMA delegates and staff ensured that all members were kept informed of events and what the next steps would be. Whilst it is impossible to say that there was a happy outcome for everyone it has brought an expectation that Xstrata will have a similar redundancy process if it is needed in the future.

APESMA continues to look after your rights at the workplace. If you are about to be retrenched or to be forcibly removed from your position please do not hesitate to contact the APESMA office on (02) 9269 0688.

THIS YEAR IN QLD...

RETRENCHMENTS AND INDUSTRY CHANGES

Another busy year for QLD members who faced a lot of uncertainty with the QLD Coal Industry going through some significant changes that have affected APESMA members, including redundancies across Anglo, BMA and Xstrata pits, mine site restructures and even the closing of mines such as BMA Norwich park, BMA Gregory, and Rio Tinto's Blair Athol mine.

During this time, APESMA has pushed to engage in consultation with mine sites prior to them making significant changes affecting APESMA members, so that APESMA could actively assist members during these difficult times.

Early consultation with your mine sites has led to good outcomes for members facing redundancy, such as Companies agreeing to look at a voluntary redundancy process prior to forced redundancies, considering the use of a job swap register for those who want to take redundancy in place of those who don't, and ensuring that correct entitlements are paid on all redundancies.

Significantly, APESMA have on many occasions been able to rectify errors and address potential issues with redundancies or redeployments before the members have been locked into the process. With uncertain times still ahead, please remember to contact APESMA immediately if you are advised that you will be retrenched, so that we can give you advice and assistance.

BMA SICK LEAVE ON RETIREMENT

Members contacted APESMA earlier this year to advise that BMA appeared to have changed its policy on the payout of sick leave. Previously, members understood that BMA did pay out sick leave

on retirement after the age of 55. However, BMA advised some members that had retired that they would no longer be eligible to the payout of sick leave until after age 60, as per the minimum in the Black Coal Award.

APESMA and members pushed for a resolution from BMA for this issue, and were pleased when BMA advised that they would now be paying out sick leave on genuine retirement regardless of age. For one member, this was a payout of \$140,000 that had previously been denied. An excellent outcome for all members in BMA.

BMA HOUSING POLICY

You will remember that last year staff at Broadmeadow Mine site were working hard to get an Enterprise Agreement at Broadmeadow which would provide for better pay and conditions. As part of their claim, staff at Broadmeadow asked for a review of the BMA Housing Policy, in particular, to remove the distinction between categories of staff for the purposes of housing.

After many months of negotiations, members were pleased when BMA introduced the new housing policy late last year, providing more equal access to housing for all staff members across all BMA sites.

DELEGATES' CONFERENCE 2012

Staff Delegates from across Queensland, New South Wales and Western Australia came together for this year's Delegate's conference held in Sydney in August. These active and motivated members learnt more about the Fair Work Laws and the potential negative consequences for Staff, as well as the opportunity the Fair Work Laws give Staff to legally secure and improve Coal Mining Conditions.

Your Delegates worked with your Staff Union to develop plans to educate members at your workplace about the laws, as well as other current industrial and safety issues. Talk to your workplace Delegate to find out more about the new laws, and other information learnt at the Delegates Conference. If you are interested in getting more involved in your Staff Union, talk to your local delegate about what you can do to help, or contact your Union infocsd@apesma.com.au.

LONG SERVICE LEAVE – CHECK YOUR STATEMENT

You will remember that this year the Long Service Leave legislation changed to now allow you to have a break in your service of up to 8 years and still have YOUR SERVICE recognised as continuous. Prior to the full implementation of the new scheme there was a last chance to ask for a review to bridge or deem any gaps in service that you have since the year 2000 by the end of September.

The Long Service Leave Corporation has now extended the review date to March 2013. If you have any gaps in your Long Service that require bridging or deeming it is imperative that you do this before March 2013. After this date, your service will stand as is, and gaps will no longer be recognised.

Members need to carefully check your long service leave statements for any gaps in service and contact APESMA if you require further information or assistance in bridging or deeming your service.

2012 SALARY SURVEY

Thank you for your contribution to the APESMA 2012 salary survey, and congratulations to the winner of the survey competition Phil Grant. The results of the survey will be posted to all members early next year.

STAFF MOVEMENTS

Kylie Rooke has returned from maternity leave and will resume her position as the NSW Industrial Officer. Welcome back Kylie.

The Collieries Staff Division want to extend a huge thank you to Margaret Buchanan for stepping into Kylie's shoes for the past twelve months, she has been assisted the Collieries Staff Division team greatly, and her hard work during this period is very much valued and appreciated.

MERRY CHRISTMAS

The Collieries' Staff Division Team wishes you and your family a Merry Christmas and a happy and safe New Year.

The Collieries Staff Division office will be shut down for Christmas from Friday 21st December 2012 – Monday 7th January 2013.

If a serious safety incident occurs during this period, please contact Catherine Bolger on 0413 746 430 immediately.

If you require any urgent industrial assistance during this period, please contact Kristy Harper on 0457 057 588.