

Staff at the Coal Face – May 2013



APESMA Collieries Staff Division has been working hard across New South Wales to deliver better conditions for Staff in the Black Coal industry. The Association has engaged with members across the state settling Enterprise Agreements, having redundancy entitlements paid out and organising staff to understand their pay and conditions.

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

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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.

APESMA TAKES ACTION TO ASSIST WESTERN AUSTRALIAN MEMBERS

APESMA recently assisted a group of members at Griffin Coal Mine in Western Australia who were made redundant, with Griffin utilising transitional Award arrangements to minimise the redundancy payments applying to members.

When the Black Coal Award 2010 came into effect due to the legislation, members already employed at Griffin remained on their old state award for redundancy, with Coal Mining redundancy provisions not coming into effect in Western Australia until 2014. As the majority of members did not have redundancy provisions written into their common law contracts, Griffin was able to rely on a state based order for redundancy to cap the redundancy payments made to members at 16 weeks, regardless of years worked at the mine.

In addition, members at Griffin Coal were not paid out their accrued sick leave entitlements which APESMA believes that their contract entitles them to. APESMA is currently taking action to assist the affected members to recover their owed entitlements.

REMINDER: CHECK YOUR CONTRACT

APESMA has been contacted by individual members in recent weeks with requests to review new contracts that have been rolled out at their mine site. Some of these contracts have contained errors, are not compliant with legislation or have reflected significant changes to the member's existing employment arrangements.

With redundancies at an all-time high, and many mines implementing organisational structural changes, it is a timely reminder to carefully review and seek independent advice on any new contract that you are provided with. APESMA can assist you to ensure that your contract meets legislative requirements, and provide you with confidential advice as to how contract conditions may affect your employment.

Understanding the effect of the terms and conditions of your contract before you sign will save you any surprises down the track and help you to protect and maintain your conditions. If you would like confidential advice and assistance with your contract please contact APESMA at infocsd@apesma.com.au or on (02) 9269 0688.

Visit our website

www.apesma.com.au/groups/collieries/