



**Collieries'
Staff and Officials
Association**

Staff At The Coalface

Fair Work Commission to Hear Age 60 Matter

18 November 2014

REDUNDANCY ENTITLEMENTS TO BE DETERMINED BY FAIR WORK EMPLOYERS' DELAY TACTICS FAIL

The Fair Work Commission has rejected the coal mining employers bid to delay the determination of whether the age 60 cap on retrenchment pay should be struck out of your Award.

Your Association argued that our application to remove the age 60 cap should not be delayed when:

- Centennial is retrenching at Angus Place, and the industry is in downturn;
- Centennial's argument next year in the Federal Court includes that if the age 60 cap is removed then the whole three weeks per year of service redundancy scheme should be removed for everyone.

On the last point, given the state of the industry and the number of redundancies, we have to question the motivation of the other major companies' support of Centennial's case to put the three weeks per year of service in jeopardy.

WAMBO STAFF SEEK TO LOCK IN THEIR REDUNDANCY ENTITLEMENTS WITH AN AGREEMENT FAIR WORK TO HEAR APPEAL ON WEDNESDAY 19 NOVEMBER

In a test of whether the good faith laws can keep up with employer tactics, a Full Bench of the Fair Work Commission will consider on Wednesday this week whether Senior Deputy President Hamberger was correct when he found that Wambo's enterprise agreement "offer" to reduce Staff member's pay by \$100,000 was just hard bargaining. This is sometimes known as "sham bargaining". The Full Bench will also consider what the good faith bargaining laws mean as considered by Senior Deputy President Hamberger in the case of on shift Staff at Wambo.

On shift Staff at Wambo have been bargaining to lock in their conditions, particularly their redundancy pay, which is currently covered by Company Policy. Staff want the certainty of knowing now that should Peabody have to downsize, that they have a legally locked in entitlement to redundancy pay at their contract rate in an enterprise agreement.

We are hopeful that the good faith bargaining laws are strong enough to pierce through "*sham bargaining*".

Catherine Bolger
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Improving safety, salaries and work lives.

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