



31 May 2017

How our Union and I won my reinstatement at BHP

Dear Staff Member,

I've worked at BMA Peak Downs in the warehouse for 7 years. After a safety incident last year, I was stood down, then after a Show Cause, my employment was terminated by BHP. Our Union, the Collieries Staff and Officials Association (CSOA), helped me win my reinstatement. The Fair Work Commission (FWC) found that my dismissal was unfair and ordered that BHP reinstate me to my position.

When I was stood down after a safety incident I was concerned for my job. I immediately contacted our Union for support and advice. I talked to the CSOA team and got professional advice on what I should do to make sure my voice was heard.

I was even more concerned when management decided to escalate the matter and I was asked to Show Cause as to why I should keep my job. I've always had a strong record in relation to safety and I'd hoped that this would be taken into consideration. I wasn't given a copy of the investigation into the incident. I was dismissed, and I didn't think that it was fair.

I spoke to the CSOA and they pointed out that a lack of procedural fairness would count against BHP in the FWC. It was a big decision, to take this matter to the Commission. I had to give evidence and my record was examined to prove my commitment to safety.

In the FWC Decision the Commissioner found the dismissal harsh, unjust and unreasonable. I was over the moon when I read the Commissioner's Decision. This whole process really emphasises why all Staff need to be a member of their Union and call the Union immediately when a disciplinary issue is raised.

Because I was a member, I had support throughout the whole process. I got a fair Hearing at the FWC and I'm happy with how things have gone. I've got no ill will towards anyone and I'm glad that I'll be able to start back at work again.

I hope that BHP can work with Staff and their Union to avoid circumstances like this in the future. We need to have BHP's policy and procedure for disciplinary matters updated so that we don't have this happen to anyone else again. I want the company to work with Staff and their Union to ensure that everyone gets treated with fairness.

Thanks to my Union!

Regards,

Andy Tomlinson

Improving safety, salaries and work lives.