CFMEU
Mining & Energy

24 October 2019

Senator Malcolm Roberts
Parliament House
Canberra ACT 2600

Email: senator.roberts@aph.gov.au

Dear Senator,

Re: Casual mineworkers, questions raised in Senate Estimates hearings

You raised some important issues about the treatment of casual mineworkers during Senate Estimates Hearings of the Education and Employment Legislation Committee yesterday, 23 October 2019.

While you are right to be outraged about the decline in permanent jobs and exploitation of casuals in coal mining, you have your facts wrong in a number of areas. For someone who professes a deep connection with the coal mining industry, your line of questioning displayed little understanding of the industry and its regulatory framework.

We agree that the push by mining companies to cut costs by replacing permanent employees with lower-paid casual labour hire workers is a disgrace and a cancer in our industry.

Unfortunately, this behaviour is not illegal under current workplace laws. This is why our Union has invested considerably in trying to change the law to better reflect community standards about the nature of casual work.

If your concern is genuine, I suggest you take up these issues with mining companies like BHP who are driving the casualisation agenda; and the Morrison Government, which could change the law to prevent casual exploitation but chooses not to. However, we realise this would be inconsistent with your party's anti-worker record.

At the heart of your questioning was the assertion that because the Black Coal Mining Industry Award does not recognise casual employment, it is therefore illegal for coal miners to be employed casually. This is just not true.

However much we disapprove of casualisation, coal miners may be employed under Enterprise Agreements that allow for casual work as long as they are approved by the Fair Work Commission. The Commission regularly approves EAs that include provisions for casual employment despite Union arguments it is detrimental to employees, accepting that a pay increase of as little as 1% over the Award is enough to leave them better off overall. In the absence of 'same job, same pay' laws, labour hire EAs that leave people substantially worse off than permanent workers on site agreements are deeply unfair, but unfortunately not illegal. We are trying to change that.

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You have suggested that the CFMEU's involvement with a range of industry bodies including Coal Long Service Leave and NSW Coal Services is somehow detrimental to workers' interests. This is complete rubbish. The Union uses its involvement in industry bodies to actively represent the interests of workers in the coal industry. No financial benefit from our partial ownership or involvement in any industry body, aside from director's fees where payable, flows back to the Union.

Our involvement means we have retained one of the best long service leave schemes in the world for Australian coal miners - a national, portable scheme with 13 weeks' leave after eight years whether they are permanent or casual, regardless of changing employers or having a break from the industry. In NSW, our involvement in Coal Services over many decades means we have the best health monitoring and surveillance regime for coal workers in the world.

While we welcome your interest in the issue of casualisation, we suggest you would be better armed to advocate for coal workers and the coal industry if your research consisted of more than a couple of anecdotes from one NSW coal mine.

We don't expect One Nation to change its anti-Union stripes, but we are available any time to provide facts about the coal mining industry to save you asking nonsensical questions in parliament in future.

Yours sincerely,

Tony Maher
General President
CFMEU Mining and Energy Division