

<b>Meeting:</b>	Hastings Deering Enterprise Agreement Negotiations - Meeting #1		
<b>Meeting Location:</b>	Mackay Entertainment & Convention Centre	<b>Date</b>	Wednesday, 28 <sup>th</sup> April 2021 Thursday, 29 <sup>th</sup> April 2021
<b>Attendees:</b>	<p><b>Employee Bargaining Representatives:</b> Ashley Leis (AL), Andrew Hardie (AH), Anthony Morrison (AM), Barrie Mead (BM), Matthew Wilson (MW), Tom Duff (TD), James Halliday (JH), Mark Singleton (MS), Jason Davis (JD), Troy Tschirpig (TT), Shawn Enriken (SE), Jason Powell (JP), Joshua Forrest (JFO), Jason Pitt (JPT), Malcolm Rowe (MR), Bronwyn Griffiths (BG), Bonnie Field (BF), Robert Dorward (RD), Sharon Brownsey (SBY), Ezekiel Barber (EB), Peter Muiznieks (PMU), Tina Moore (TM), Terry Ahern (TA), Michael Assay (MA), Jeffrey Neil (JN), Steve Kidd (SK), Hayden Smith (HS), Brendan McDonough (BMC), Glen Clark (GC)</p> <p><b>Hastings Deering Representatives:</b> Jake Fraser (Chair JF), Daniel Viero (DV), Shelley-Anne Brace (SB), George Spink (GS), Jason Clery (JC), Peter Martin (PM), Craig Williamson (CW), Michael Bryan (MB)</p> <p><b>Union Representatives:</b> Kegan Scherf (KS), Josh Blundell Thornton (JBT Day One), Taylor Bunnag (TB Day Two), Steve Pierce (SP)</p> <p><b>Apologies:</b> Craig Moyle (CM), Dion De Luca (DD), Sharon Brownsey (SBY) (Day One), Ezekiel Barba (EB) (Day One)</p>		

#### Items Discussed

Item Discussed	Action
<p>JF – Welcome and Housekeeping. Agenda for Day 1.</p> <p>DV – Safety Share around change to Safety Culture to encourage more reporting from all employees. Change in how LSC Breaches will be managed and review of Safety Metrics to make safety interactions more engaging.</p> <p>MS – Sharing of interactions / incidents to share learnings as currently only Managers and Safety receive these communications. Not filtered to floor level.</p> <p>JF – Apologies for Day 1– Sharon Brownsey, Zek Barba, Craig Moyle, Dion De Luca</p> <p><b>Break for Morning Tea</b></p> <p>DV provided a Business Update.</p> <p>Melissa Sorenson provided a Commercial Update.</p> <p>JC provided a Business Market Outlook.</p> <p><b>Break for Lunch</b></p> <p>Peter Richards – former SDP FWC provided an overview on Enterprise Bargaining Essentials.</p> <p>BG – Do not underestimate having structure.</p> <ul style="list-style-type: none"> <li>- Meetings</li> <li>- Follow up.</li> </ul> <p>SB – following on from Peter’s presentation, how does everyone feel about a combined Log of Claims, with the aim of working to a singular list in the interests of efficiency, whereby we would collectively identify common agreed items, and then systematically work through the balance of items for discussion and/or negotiation?</p> <p>MS - 5 – 6 meetings before got to Log of Claims for the last 3 EA’s.</p> <p>JBT – Needs to be practical. Track Claims – No interest in combining.</p>	

DV – Where make sense to combine, if not leave separate.

JF – I think we are getting confused by the wording of a combined log of claims. Essentially, we are talking about a consolidated list of claims where we can see common items across all logs.

### ***Break for Afternoon Tea***

GS led a discussion around Ground Rules, where bargaining representatives contributed to a list of “ground rules” to help guide expectations and behaviours during the bargaining process, and to keep representatives accountable for their own behaviour and conduct. The purpose of this exercise was to align with Good Faith Bargaining principles:

#### **Respect**

- One person talking at a time.
- Feel safe to call out ‘side bar’ discussions.
- Jake as chair to manage the room.

#### **Don't monopolise the conversation**

#### **Manage emotions.**

- Do not make it personal or take it personal.
- Focus on issue not the person.

#### **Punctuality**

- Be on time for meetings.

#### **Encourage everyone to have a voice.**

- Help people express their perspective.

#### **Remain on topic/ subject at hand.**

#### **If you have a question during conversation signal to Jake**

#### **Be prepared to seek clarity or clarify point your making.**

#### **Run a ‘parking lot’ for topics – not resolved or require more thought.**

#### **Keep conversation – factual.**

- Minimal embellishment / stick to truth FACTS!

#### **General meeting conduct**

- Jake as Chair to manage
- Others feel free to call out observed poor behaviour.

#### **Minutes**

- To be circulated and endorsed post meeting and prior to broader release across the business. Discuss minute protocol release at the end of each session.

#### **Aligned perspective on comms to be released based on minutes – keep above the line.**

**What said in room stays in room.** That is, it's okay to have a passionate and robust conversation during the meetings, but leave it in the room.

#### **Turn up for meeting fit for work.**

#### **Outside of negotiations maintain respect for each other.**

- Positive behaviour of HD brand in social settings

#### **Dress Standard – to be resolved.**

#### **Mobile phones on silent**

- No use during session
- If have an issue and need to check phone advise Jake

#### **Meeting & Location**

- Mackay – last week every month
- 2 full days all arriving into Mackay the night before
- Minutes out for review by Wednesday the following week
- Parking at Airport to save \$'s not taxi – DV to look at option.
- Pool Car/ Taxi – list of who is travelling.

**Payment**

- No disadvantage
- Monday to Friday – paid as normal standard hours, no O/T.
- AnnSal – Rostered Days as normal, if on an RDO will be credited 10.8 hours to Flex.

JF – To communicate to payroll about payment.

**Close Day One – 4.15 pm**

JF – Welcome and Housekeeping. Agenda review for Day 2.

DV – Thanks for yesterday. Today is important.

**Jeff Neil – Presented LOC for Non-Union Bargaining Representatives.**

KS – Single list - Not sure can do, not permitted.

SB – Combined list of individual claims.

KS – Circulated to all parties.

JF – Will arrange to be printed at Morning Tea.

DV – No questions at this point in time until we review.

**Kegan Scherf - Presented LOC for AMWU Bargaining Representatives.**

MS - #29 wanted to include as we have an employee who has cancer 1<sup>st</sup> case was under 65, but with age capped at 65 wouldn't have been accepted. We need to look at changing age to retirement age.

JF – so just clarifying it's the Age and dollar cap that's the concern?

MS – Yes

JF – We will discuss Wageguard when we get the company log however it would be an idea in preparation for our next meeting to have Jodie Bubenicek (Business Development Manager) from Wageguard attend to work through questions and issues.

**Steve Pierce – Presented LOC for CFMEU Bargaining Representatives.**

**Jake Fraser - Presented LOC for Hastings Deering.**

During the last 8 months have had a lot of great feedback from employees. This feedback has been taken onboard in the design of the log of claims.

AM – with the Competencies if it's completed in month but have month to assess. Will that remain?

DV – Want to discuss. I don't see if as fair and reasonable that have to wait 3 months for pay increase. That's discussion we want to have.

JF – Where we want to get to is if the Leading Hand, Supervisor, Manager signs off, it gets paid in the next fortnightly pay cycle.

AM – 3 months structure gives deadlines to get in. When to get done by.

SBY – Didn't want people to escalate 2 or 3 levels.

JF to circulate payment confirmation correspondence.

Non-Union LOC Attached to Minutes

AMWU LOC Attached to Minutes

CFMWU LOC Attached to Minutes

HD Log of Claims Attached to Minutes

DV – 18 months to fix the process, now the last part is to fix get paid quicker.

KS – Interested to have conversation.

MS – Common denominator is WageGuard. Obviously set to have Jodie at next meeting. Is Jodie able to prepare:

- How many on WageGuard
- How many are co dependant on Work Cover and WageGuard
- Timeline for how long off
- Drs saying employee fit but stay on WageGuard when don't need to be on there.
- Some people on longer than needed.
- Premiums go up due to this.
- Jodie to work the numbers.

JF – I will speak with Jodie and ask her to come prepared with this detail.

AM – Are you wanting to change WageGuard.

DV – Option. Work through at these meetings. Non-Union asked to test the market with what's out there. What WageGuard is saying is that they are loss making. We need to find middle ground or test the market as we are not paying more than 2.2%.

MS – Tested 3 years ago and WageGuard was the best option.

DV – Test even to keep WageGuard on their toes.

SP – Most income protection is capped at 65. If lift cap what would the impact be, lift cap premium rises or ratchet back the cover for other employees.

JN – AMWU Log of Claims #25 – Permanent Long Labour Hire – every long-term Labour hire

KS – Lot of people longer than 12 months. Mackay CRG employee works 40 hours over 12 months. People who are long term in role need to be converted to permanent.

JN – What happens in severe downturn. 20 Haynes put on books no flex.

KS – Labour Hire – don't accept that Labour Hire to protect jobs. Short term – casual employees. We are not talking short term. More than 12 months for all intents and purposes.

DV – When we go into a downturn which we remove all contractors first to protect our permanent workforce.

SP – With the pay cycle 3 day time frame we had a lot of discussion last time around the 3 days, Not enough funds, late fees default. Caution to take out to next pay period would need to look at paying these fees if that was the case.

JF – Good point.

9.20 am Caucus to review Log of Claims.

#### **Non-Union Log of Claim Questions**

KS Who's is #6 Flexible Work

AL – Brisbane, there is interest in a 9-day fortnight. Rocky and Mackay already have these rosters,

JF to arrange  
Jodie's  
attendance on  
26 May

ability to work 4-day week. To be discussed with Business Centre what rosters would work.

TA – Isn't that what we already have?

AL – Coming from Service rep that early 8.5 Monday to Friday and 6 hours on Friday. Change to rearrange to have RDO. Change to have extra day instead of 2 ½ days. 4 x 10 days better coverage. Also, from Mental Health side.

TA – Are we not able to do that currently?

SBY – EMP have in place.

JF – In some parts of the business we have this up and running. 76 hours across fortnight, some employees work Tuesday to Friday and other Monday to Thursday. 9-day fortnight. Have the ability there, we can explore these options. Challenges around when OT kicks as your ordinary hours are not 7.6 hours, they are now 9.5. Flexible work came up regularly through focus groups.

TA – Raised at LCC and something we can do.

DV – Ash is raising to have a discussion around rostering.

AL – Bringing to the forefront. Not in EA, so employees don't raise it. Let's have a discussion for everyone to comment on.

KS – Parental Leave

TM – Nothing in EA around length of time. Employees go to EA and there is nothing. Need to go to policy.

SK – Need a reference point.

JF – HR gets lots of questions. Policy much more favourable than legislation. Need to broadcast.

TM – Do you accrue Annual Leave etc

KS – what is current not to extend current arrangements.

DV – Tells me we are not communicating.

TB #11 Income Protection

TB – Why revisit do you have issues?

JPT – Bang for buck if others can give a better option.

TB – Is there an issue around service with WageGuard?

JPT – It been brought up around value for money

TB – Want to understand claim.

KS – Broad Claim

TB - Revisit – Claim issues

JPT – No issue – are we getting the best bang for our buck.

JN – Like car insurance need to shop around

AL – Born from people questioning the 2.2%

TB – Do you have people come to you.

JPT – People come to me and ask are we getting the best bang for our buck.

TB – Broad Claim – I would like to understand the problem with level of service.

JPT – Not to do with that, question asked around best bang for buck.

JF – Jodie’s session can go through survey of employee receiving benefits. Lots of positives and a few negatives about capping. When Jodie comes she can share the feedback.

GS – Jodie’s presentation will give insight in coverage and are we getting right coverage.

MS – Jodie up last agreement certain WageGuard don’t know about. What and how to claim. Not just financials but training package.

MW – Education may help people to understand around best bang for buck.

MS – Last time when Jodie went round and handed out flyers.

GS – Education – Level of premium. Mean to keep policy and what might lose. People gave up pay increase (2.2%) to fund WageGuard. If need to increase could we use pay increase to fund.

JF – Time for Jodie

GS – Understand, struggling to keep cover. WageGuard last time, if can’t make money may drop their standard.

AM – Less Cover

TB #1 Talk through

JN – Cash out if 15 days excess, follow the Fair Work Guidelines if excess cash out and forgo leave entitlement. i.e. 21 days can cash out to 15.

JF – This one came up regularly in the focus group sessions.

AM – Super to be paid on it as well?

JN – Park that question

KS – Increase Sick Leave from 10 to 15

JN – Family – my sick leave is blown due to caring for kids. We are both full time employees.

KS – Not sure I can support.

JN – Happy to have conversation.

#10 Emergency Services

Put forward to employee representatives with fires around Rockhampton last year used up 3 days immediately. Rotation while taking more due to fatigue management opportunity to offer that Service.

TB – Have you considered broadening to more than the 3 service organization eligible. Are you hoping to broaden to Red Cross?

JN – Recognised Emergency Services Rural and SES. ADF is under separate agreement,

KS #9

JP – Extra bits to keep here at HD. Talk about what to keep here and draw more people. Benefit to HD.

KS – Corp Plan

JF – Have discounts but don't provide.

KS - Do employee use?

JF – Can get the numbers from both providers?

DV – Business to cover

KS – Top Cover

JP – 100% Cover if over 5 years, Pro rata if less

KS – Level of Cover

TB – Only HD not Haynes's time

TA – Is total payment or Choice of Cover – company pays for cover. Co Contribution? Top Up?

JP – To cover employees – company paid; family employee would top up.

KS #17 Why 4.56 to \$10

AL – Issue raised by apprentice by PM Service. Waste cut in last EA was \$15 back to \$4 looking to get back to middle ground.

KS – Working in environment to trigger payment?

AL – Tip machines

CW – Increase in machines. Standard of work we do

KS - #24

SK – Leading Hand on holiday, back fill allowance on nightshift on Monday to Friday.

#### **AMWU Log of Claim Questions**

JF - #2, we have some questions on this and would like to understand the detail.

KS – Claim item – attempt to remove Modern Award.

SB – Further context please, why retain?

KS – Minimal standard for metal work. If FWC was to change. Industrial stand to go into documents. Issues with you not compliant with award during this EA.

JF - #5 There has been a lot of great work done to improve the quality and outcomes of the LCC's, we need some more detail and context on this claim please.

KS – Not to reduce LCC representation We are not provided with Agenda items, minutes. Reality is we are asked to deal with Managers locally we need to have a seat at the table.

AM – Great knowledge back with HR, our knowledge is union based. Interpretation – nice to have someone at the table.

KS – Prompt and efficient resolution at local level.

CW – Can you provide examples.

AM – Things gone on longer not about to get into barney over. Need to settle things. We have a different perspective.

JF to follow up with Health Cover to obtain numbers of employees using benefit.

DV – How far have we come, bloody long way. No shrinking violets they even challenge me. Don't see adding value to add another level of complexity.

MW – Is that a standard of quota for number of representatives to managers. Only one there with 5 Managers.

DV – Good discussion. Agenda at LCC for how many need to make a meeting. Involve external parties to come with employee will dilute it.

KS – Deliberate strategy to engage locally to get fixed. Can't do if not at table.

DV – Would rather look at the NCC frequency. It would be hard for AMWU to attend every LCC.

KS – We could attend via Teams. Maybe send the agenda – CQ we may not attend.

MS – Weekly meetings with Jake and Jock have been good – issues tabled from both sides. Have an agenda so know what's coming up.

JF - #7 How do you see working from a practical perspective. What are the benefits to the employees. We need to unpack this.

KS – Not massive overhaul. Nature of work is changing; necessity of what people is asked to do is changing. Steering Committee format (KS, MS, JH, MA) with Jake as Chair. Enshrine in and allow to fix the kinks. Parts – still need to iron out levels. Highlight how to get. Steering Committee – Forklift Operators.

MS – Other thing not reviewing Job Models that change. George's area of automation coming on board. Issue with people being knocked back – retraining need reason. Steering committed can go through data.

JH – we don't was to get 10 years down the road and not have it reviewed.

KS – Fundamentals to remain alive.

JF - In terms of #8 how would this apply and what's the intent.

KS – Change dispute process. Have had circumstances where would like to meet but DSP didn't allow. 1 matter in commission under award. Initial dispute before.

JF – Can you provide some examples?

KS – Yes, number of examples like to resolve only. Level playing field to represent members.

JF #11 – In terms of the practical application can you provide some more detail:

KS – We have had members at disciplinary meetings with the delegate or official is told they are a support person only.

MA – I'm in trouble, Kegan told to be support person.

KS – With respect to Peter Martin and Ash House, they have told us we can't say anything. Asking for officials to be able to represent.

JF - With respect to #13 this is quite broad, can you help us understand this one a little further please.

KS – Disagreement with who employee representative. Someone goes though policy. Number of delegates not recognised. Observed that not union representative voting someone AMWU. Mackay Matt McKenzie URC company refusing to recognise.

JF - #14 can we understand this one a little more, is it clarity around payment you are seeking?



KS - Only add rank and file to participate without counting towards training days. Those days not many.

GS – We need to understand what we are talking about in terms of quantum and number of days.

KS – Can provide a calendar at the beginning of each year. At the moment there is only 2. National Conference is 3 or 4 days and State Conference is only ever 2 or 3 years.

MS – Do you understand the Public Holiday log item.

JF - Are we referring to AMWU log #22?

MS – 12 public holidays per year. AnnSal package get ½ public holidays paid into AnnSal. Roster doesn't work out. Some people worked both public holidays. Understand will lose some money in AnnSal but public holidays at 8 hours. If work public holiday gets penalty rates. Some won't work public holiday whilst others get smashed. Not a money grab – AnnSal gets wound back.

DV – People would move backwards financially though, wouldn't they?

MS – Take Annual Leave for public holiday. Annual Leave comes out of Annual leave accrual. Part of roster for AnnSal comes out of Annual leave balance.

DV – May need to do some modelling.

SK – item #31 can we have an explanation on this please.

KS – At moment on flex leave till September when shutdown till after Christmas. Open to negotiate. Employee can use.

DV – Shift to another time

KS – Union members want February.

JF – Are you saying if it paid in September employees don't have enough banked by December if there is a shutdown?

KS #24 – Warehouse – We would like to complete a presentation around that claim.

DV – Will need to review before it gets placed on the agenda.

KS – Will show you presentation.

#### **CFMEU Log of Claim Questions**

JF – Infectious Disease Clause, how would this apply, what's the definition of an infectious disease?

SP – COVID – State or Government declared infectious disease.

#### **Hastings Deering Log of Claim Questions**

BG - #11 Remove restriction on Labour Hire.

JF – Restrictive in nature. Page 33 of Enterprise Agreement is restrictive. We need to manage the peaks and troughs.

TB – Clause does say may – how is that restrictive.

JF – Labour Hire have approached at the 3 months and requested a permanent opportunity.

TB - Need to educate, do you point out that it says may.

DV – May does agitate.

TM – Option to put on fixed term.

RD – Offers to casuals often get knocked back.

JF – Success rate is pretty good.

DV – Looking at 5 transitions in Mackay. It's not always the longest, it may be that someone who is with us for a shorter time might be a better performer or fit.

BG – Why 2 years in game and not put on.

AM – If only plugging along minimum standard. People not given carrot. Holding position of someone who wants to be there.

CW – High percentage of employees that want to be casual. Individuals fluctuate with business.

JF – we will review and will provide further detail at our next meeting.

MW – Is there a tangible way we can tell a person the reason why overlooked when been 2 years.

DV – Recruitment – don't do performance reviews on contractors.

MS – Leading Hands should

SP – Exposure and verbiage around industry by extending Labour Hire. Argument in other industry. 2 or 3 years already exposed. Not legal issue want to get tried up on.

KS #4 Already have minimum.

SB – When removed the award. Back of agreement express. Undertaking went back and forth.

KS – Award gets updated, as stand already spelt out.

KS – Employee incentive. Presentation of what looks like. Initially – good if works well. Get close to payment and accountant cooks the books. Works well in Field Service. Transparency.

KS – Leading Hand Allowance – do you have a quantum?

DV – Need to do calculations to see what can afford. Had to trade off in last few agreements. It's for retention and attraction.

JD – Need to reflect on step up.

JF – We would like to increase for both permanent and temporary leading hands.

KS #10 We are very far apart.

TB – Expand on complexity of Award.

SB – When we have an industrial instrument like our Enterprise Agreement there is no need to retain the modern award, due to the EA being comprehensive enough to appropriately meet the needs of our business and the terms and conditions of employment for our employees. The EA is designed for our operations and our business, the modern award is not customised in that regard and adds unnecessary complexity.

TB – Is there nothing in the award that is not covered by the Enterprise Agreement?

SB – Lots of things but not relevant – not having to defer to Modern Award will greatly simplify any matters of interpretation.

KS – Number of entitlements in award not in Enterprise Agreement.

SB – It's an appropriate claim to make.

KS – Domestic Violence

DV – Covered in our policy.

KS – Change policy at any time plus can't dispute.

KS – Collectively happy to look at.

DV – Need to understand the intent.

AL – For those naive that don't know what's on the Award.

JF – We will place a link to the award with minutes.

SB – Will post a copy of the modern Award on the website.

KS #8 Job Model – 3 months remove.

JF – Clause 21.2 (g) effective date of reclass. Feedback from employees, we are saying they are competent today yet they have to wait 3 months for their pay increase? Once signed off why can't we make this effective from the next fortnightly pay cycle.

KS – Not far off on this one.

SBY – Only issue if someone holds onto for months.

DV – Don't want to be sitting in someone's tray for 8 weeks.

JF – Don't want to make complex, its how we quicken up the pay increase.

AM – Need to make sure competent. Integrity of system.

AM – Comes back to the people submitting it.

DV – Needs to do reasonable effort for pay increase.

MS – It is factual. During pilot we threw a brumby in to see if it would go through the keeper. System showed he had to do and it works. It's not a tick and flick.

AM – Some stuff for everyone.

JF – Work through. Quicken up pay cycle. 3 months may have worked when it was first implemented, we need to improve this based on the voice of the workforce.

MS – Maybe timeframe from when submit to get definite answer.

JF – Happy to work through. Waiting 3 months is ridiculous.

DV – Clause around acknowledge submission but not how long.

JF – Intent to speed up.

DV – Talk to Ken around metric to speed up.

MS – Get back to Steering Committee.

GS – Seeking clarity are you asking about the competency approval process.

JF – Thanks for a very productive two days We are well ahead of our agenda schedule. Next meeting 26 & 27 May at MECC. Tuesday will be travel day.

Link to Award to be sent with minutes.

DV – 8 am Start.

JF – WageGuard presentation first up. Parking Lot Action will take away for feedback.

KS – Flag that in August we have the AMWU Delegate Conference.

DV – Will bring the meeting forward.

JF – Any other items.

TB – Log of Claims Individual Bargaining Representatives

SB – Will provide you with an updated document.

JF – Minutes will be circulated on Thursday to be endorsed by Friday.

**Close Day Two – 1.53 pm**

**Parking Lot:**

- Clothing – Dress Standards.
  - o To be resolved
- Report back comms to be agreed process.
  - o Aim to do closer/ after key milestones, in negotiation process.
- Sick Leave
  - o If paid out > 15 days is super paid on the sick leave paid
- Stacking of Allowances
  - o CQ Field Service Rockhampton

**END OF MINUTES**

**Caucus and breaks**

Start	Finish	Called by
4.15 pm	4.20 pm	AMWU
9.20 am	11.00 am	Management