



## CFMEU MINING & ENERGY DIVISION SOUTH WESTERN DISTRICT

(Division of the Construction, Forestry, Mining and Energy Union)

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27 February 2019

Dear Mr Smith,

As you would be aware, the protracted enterprise bargaining dispute between CFMEU Mining and Energy members and the terminal's South32 management team is damaging to all concerned.

Industrial negotiations can be complex. But the key sticking point here is acknowledged by both sides: management wants to remove a long-standing job security clause that ensures permanent employees cannot be sacked and replaced with contractors doing their work. Our members want this clause retained.

As things stand, our members fear that giving up this clause means giving up their permanent jobs. They cannot be expected to hand over a nuclear option when management won't explain how they want to use it.

The only explanation they have had from management to date is that the clause should be removed for the sake of 'flexibility.' As I hope you appreciate, this term is meaningless without detail and context.

It appears management wants the 'flexibility' to sack permanent employees and replace them with contractors. But why? What is being planned?

That is why I am seeking your help in answering the key question that lies at the heart of this dispute: Is the board aware of any plans to replace current PKCT permanent employees with contractors? If not, why do you think management is so committed to getting the power to do so?

Answering this question truthfully, clearly, and specifically will go a long way to advancing negotiations toward a resolution. This would be in the interests of our members, PKCT management and shareholders, as well as the local community and economy.

Our members have made it clear they will not vote for an agreement that hands management the power to sack them all and replace them with contractors as soon as it's signed.

I look forward to your prompt response on this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Bob Timbs', is written over a light blue horizontal line.

Bob Timbs  
District Vice President