



Major mining companies must meet their responsibilities to workers and their communities during COVID-19 pandemic

Statement by Tony Maher CFMEU and Daniel Walton AWU

Like all Australians we are concerned about the rapid spread of the COVID-19 virus and the social, economic and health impacts of the global pandemic.

At the outset, we wish express our sympathies to all those who have suffered as a result of the spread of COVID-19 both in Australia and throughout the world. We also record our appreciation of the efforts and self-sacrifice of the many health workers who now and in the future will bear the brunt of confronting the effects of COVID-19.

As representatives of the main unions representing Australian mine workers, we believe it is important at this time that workers in the mining industry are given some assurances about any disruption to work and income as a result of the spread of COVID-19.

For this reason, we are asking that mining companies adopt (as a minimum) the proposals set out below.

- **Self-isolation as a result of Government edict:** Where a worker is required to undergo self-isolation by reason of Government edict (such as that concerning recent overseas travel), the mine worker's employer should pay that worker as if at work, for any rostered shifts not undertaken because of self-isolation.

Where the affected employee is a labour hire casual employee, the mine operator should fund the rostered shifts not worked, either directly to the employee or via the labour hire provider.

- **Self-isolation as a result of potential exposure to COVID-19:** Where an employee is required to self-isolate because he or she may have been exposed to COVID-19 because of close proximity to an infected person, the mine worker's employer should pay that worker as if at work, for any rostered shifts not undertaken because of self-isolation.

Where the affected employee is a labour hire casual employee, the mine operator should fund the rostered shifts not worked, either directly to the employee or via the labour hire provider.

- **Where the employer/mine operator requires a medical clearance regarding COVID-19:** In circumstances where an employer or a mine operator requires a medical certificate clearing an employee of having contracted COVID-19, then the employer/mine operator should bear the cost of the medical appointment and any lost time reasonably incurred in obtaining the clearance.
- **Absence from work due to illness caused by COVID-19:** In these circumstances all employees should be afforded two weeks' special leave. After the two weeks of special leave the normal practice should apply. This means that the employee's normal

personal/carer's leave entitlements should be available. However, where an employee does not have sufficient personal/carers leave entitlement to cover the rostered shifts not worked as a result of illness, the employer should provide additional personal/carers leave, either as an ex gratia benefit or as an advance on future personal/carers leave entitlements.

In circumstances where an employee is a labour hire casual, the mine operator/client should fund the rostered shifts not worked, either directly to the employee or via the labour hire provider.

- **Stand down due to whole or partial closure of the mine:** The relevant legal obligations regulating employee stand down will vary according to industrial instrument and mine site.

However, we believe that if a stand down situation emerges because of the impact of COVID-19, the following minimum conditions should apply:

- Where it appears a stand down is probable, a mine operator should, as soon as practical, consult with employees and their union representatives about the range of measures available to mitigate the possible effects of a stand down on employees.
 - Where the stand down is for a defined period of 14 days or less, the mine operator should meet the cost of the stand down by paying its own employees and the employees of labour hire contractors a special leave payment equivalent to the rostered shifts lost during that 14-day period.
 - In circumstances where the stand down is indefinite and an employee has leave entitlements, the employee should be invited to utilise those leave entitlements as an alternative to stand down with loss of pay.
 - In circumstances where an employee does not have sufficient leave entitlements, the mine operator should offer the employee the option of taking annual leave in advance as an alternative to stand down without pay.
 - Where an employee is a labour hire casual, the mine operator should make available to that employee, either through the labour hire provider or directly, a special leave payment for any rostered shifts not worked based on a calculation of annual leave entitlements the employee would have accrued whilst employed at that mine site had that person been a permanent employee.
- **Quarantine of employees at a mining camp:** Quarantining workers in camps should only occur in exceptional circumstances and in accordance with medical advice. In circumstances where such isolation is unavoidable, the following minimum conditions should apply:
 - The mine operator should ensure that the camps offer safe and appropriate facilities for on-site quarantine if it becomes necessary.
 - The mine operator should ensure that the workers confined to camp have access to telephone and video-call facilities at no cost to themselves.

- The mine operator should put in place activities and services designed to alleviate the mental stress of the quarantined workers, including by providing professional counselling services, exercise and entertainment options.
- Appropriate transport must be provided to workers to get home or to hospital if required due to illness or quarantine.
- The period of quarantine must be treated as work time for all purposes and employees must be given an equivalent time off from rostered work after quarantine before returning again to the mine site for work.

The Australian mining industry has been an economic success story and the workers that comprise the industry have been central to this success. The big mining companies have done well in recent years and it is now time for those companies to help cushion the blow of COVID-19 impacts on mine workers.

We believe the above proposals are both reasonable and proportionate.

We are prepared to work with employers in the industry to ensure that the mining industry continues to be a driving force of the Australian economy into the future.

At this time, however, it is important that workers are given as much certainty as possible so that we can meet this challenge together as a community.

Tony Maher
National President, Construction Forestry Maritime Mining and Energy Union

Daniel Walton
National Secretary, Australian Workers Union