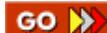




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Pluto crane drivers secure deal

The 12 crane and forklift drivers at the heart of a bargaining dispute that threatened to delay Woodside's multi-billion dollar Pluto LNG Project have reached agreement with their employer on a new pay deal.

CFMEU (construction and general division) WA branch secretary Kevin Reynolds confirmed the workers and contractor Mammoet Australia finalised an agreement last night but – other than to say "the men are happy" - declined to reveal any details.

The workers have called off a 28-day strike scheduled for Thursday, he said.

The resolution comes just days after the a Fair Work Australia full bench upheld the union's appeal against an earlier single-member decision suspending for three months the workers' right to take protected action (see [Related Article](#)).

Reynolds said the rapid end to the dispute vindicated its argument in the case that enabling the workers to continue to take industrial action would increase the chances of an agreement being reached.

"Absolutely, as a result of the fact they were proposing to take industrial action the company came to the table and we've been able to get a settlement that's acceptable to the workers," he said.

Significantly, he said, the result would put other employers in the North-West on notice that they had to come to the table and bargain in good faith "or the same sort of thing can happen to them".

"Companies say 'we'll be right, we've got an agreement that goes for another year or two', but a year or two comes and goes very quickly," he said.

But Reynolds rejected the conclusion that the result meant the Fair Work laws were working. "It's a rich man's country yet, and workers can still be fined for going on strike," he said.

A Woodside spokesperson confirmed Thursday's strike had been called off but declined to comment further.

Queensland minimum rates up by \$20 a week

A Queensland IRC full bench has increased minimum weekly state award rates by \$20 and allowances by 3% effective from September 1, rejecting Queensland unions' bid for the full \$26-a-week granted by FWA to federal award workers.

The decision, handed down yesterday by Deputy Presidents Deirdre Swan and Adrian Bloomfield and Commissioner Glenys Fisher, will lift the state minimum wage to \$588.20 - still higher (by \$18.30 a week) than the \$569.90 federal minimum following the wage freeze imposed by the Australian Fair Pay Commission last year.

The full bench said a \$20-a-week increase represented an appropriate balance between affordability and assisting the wages of lower paid award-reliant workers to stay in touch with the

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community standard. The flat-dollar increase is in keeping with the Commission's practice in recent years.

The 3% increase to allowances is based on what a \$20-a-week increase equates to in percentage terms at the C10 tradesperson's rate in the *Engineering Award - State 2002*.

The QCU and AWU both claimed the \$26-a-week increase awarded federally by FWA's minimum wage panel this year, while the Local Government Association of Queensland supported a \$17.05-a-week increase and the Australian Community Services Employers Association 2.9%, which it said was the consensus projection for underlying inflation for 2010-2011.

The Queensland Government did not nominate a specific figure, but proposed a general ruling to provide an increase that maintained real wages for award-reliant workers.

The number of workers affected by the state wage case has shrunk considerably following the Queensland Government's referral to the Commonwealth of private sector employees. The bench said that, based on submissions from the parties, its decision would apply to some 1,000 state government employees working for entities such as water boards and not covered by the core public service agreement; about 4,000 local government employees; and 3,000 to 4,000 employees of Parents and Citizens Associations spread throughout the State.

The Tasmanian IRC last month increased the state minimum wage by \$11.80 per week to \$569.90 from August 1, bringing it into line with the federal minimum (see [Related Article](#)).

[Queensland State Wage Case 2010 Decision \(10 August 2010\)](#)

[Queensland State Wage Case 2010 Declaration of General Ruling \(10 August 2010\)](#)

[Queensland State Wage Case Statement of Policy \(10 August 2010\)](#)

Full bench splits on genuine redundancy

A Fair Work Australia full bench majority has delivered an unusual split decision upholding an employer's appeal against successful unfair dismissal claims by two employees it argued were genuine redundancies.

Campbell's Australasia maintained it had made the employees redundant in accordance with its enterprise agreement, which required it to apply the last-on, first-off principle except where an employee "has acquired skills/experience which are required by the Company and no other employee is available for the designated work."

At first instance, Commissioner Anna Lee Cribb found the employer had offered alternative positions to eight of 16 employees who jobs it had abolished based on its assessment of their superior skills compared to the others.

This failed to comply with the clause because the employer was entitled to bypass the last-on, first-off rule only if there was no other worker at the *entire site* with required skills and experience, not merely among those facing redundant, she found.

Commissioner Cribb ruled the two relatively senior employees would not have been made redundant if the employer had correctly followed the clause, and on that basis found they were not genuinely redundant, upheld their dismissal claims and ordered their reinstatement.

On appeal, two members of the full bench – Senior Deputy President Jennifer Acton and Deputy President Ken Ives – overturned Commissioner Cribb's decision, finding that Campbell's' interpretation of the clause was correct.

If the employer were required to consider the skills of all workers at the site, that would effectively require it to move ongoing employees to fill vacant positions rather than simply selecting the most appropriate redundant employee, they said.

But the third member of the full bench, Commissioner John Ryan, said he agreed with Commissioner Cribb's decision and would have rejected the appeal.

Commissioner Ryan said last-on, first-off was a long standing principle unions had pursued to protect longer serving employees where redundancies occurred.

"The principle was specifically intended to protect a long serving employee whose particular job may have become redundant from being terminated and to deliberately require that a recently engaged employee would be terminated even where that recently engaged employee was working in a job that had not become redundant," he said.

"The natural boundary for the operation of the 'last on - first off principle' was the group of employees represented by the union in question", he said.

The full bench majority remitted the matter to Commissioner Cribb to determine the matter again in light of its decision.

[Campbell Australasia Pty Ltd v Mr Greg McNay and Mr Patrick Humphreys \[2010\] FWAFB 6048 \(11 August 2010\)](#)

Note: This article was changed on August 12 to more accurately convey Commissioner Ryan's remarks.

Labor to pay workers to relocate

Prime Minister Julia Gillard has committed a re-elected Labor government to providing up to \$6,000 to assist unemployed workers to move for a job and \$2,500 for employers who take them.

Labor has proposed a trial program to reimburse some 2,000 workers for expenses incurred in moving to find a job, covering costs for things such as hiring a removalist or obtaining the assistance of an employment service.

The \$6,000 relocation reimbursement would be available to those moving to a regional area, while workers moving to a metropolitan area could claim up to \$3,000. Assistance would not be available to those moving between or within a capital city.

Families with dependent children that relocate would be able to claim back an extra \$3,000 in moving costs.

The program would also deliver a \$2,500 incentive payment – paid in five \$500 weekly instalments – to employers that take on a relocating worker.

Labor says the program would be targeted at people who have been unemployed for more than 12 months and who reside in an area of high unemployment seeking to move for a full-time job or apprenticeship.

The trial would commence from January 1 next year and cost \$14.8 million over three years.

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