



your united team of collective strength



Utilities Management EA Update 05/11/21

UMPL Rejects the SBU Counter Proposal

On Thursday the 4th of November 2021, the SBU met with your employer Utilities Management Pty Ltd (UMPL) to further discuss the UMPL (all of UMPL) Enterprise Agreement.

UMPL rejected the whole proposal on the basis that they do not want a single EA, and that they are continuing to try to achieve a separate EA for an undefined group of workers that perform work for “Enerven”. We are contesting this in the Fair Work Commission (FWC) and have a trial date of the 18th of November 2021.

We pressed UMPL for responses to our claims outside of their push to achieve 2 EA’s and they responded to each claim individually. All of the claims in our counter proposal were rejected, except a claim for Cultural Leave and a claim to continue to include some FAQ’s in the EA. When pressed on the wage rise, UMPL said they saw 2.5% as good enough and ruled out any back pay past September 1, 2021. On top of this UMPL say they must achieve an Emergency Availability Clause and they cannot agree to any EA that has the current Issue Resolution Clause in it, they want the most restrictive Issue Resolution Clause allowable (the FWC “model term”).

UMPL have maintained a rigid position through this process and have not bent at all on any of our *critical* claims. Their current offer does not address any issues with:

- Availability Rostering
- Job Security
- Continuous Shift Worker Issues
- Day Worker/Shift Worker changeover without Agreement.

The UMPL offer also moves pay rises 12 months away from the expiry of the EA, which is a huge disadvantage to the workers. Our advice is that the current EA is the safe space, and all workers need to vote NO to all Enterprise Agreement offers that reduce conditions if any do happen to go out to a vote.

Concerning Suggestions put forward in the UMPL Enerven EA Discussions

The UMPL Enerven EA discussions are continuing, despite our effort to get the FWC to stop them.

To ensure that we know what is going on in these meetings, we have had Union Officials present in the 2 days of meetings this week. All 6 Officials who have participated have said that the Enerven EA Meetings are not like any Negotiating meetings that they have ever been to. There is NO negotiating. The meetings revolve around leaders brainstorming ways to reduce costs by removing conditions from the EA. In our view, this is an effort of the business to use workers conditions to gain a financial advantage over other companies in the tender process. That is not EA bargaining, that is predatory.

Some of the suggestions made in the meetings by the “Employee Bargaining Reps” have been:

- So that we can spend more time on site, we could change the employees employment location on a project by project basis, *for example*, projects and construction jobs in regional areas, so the travel becomes their responsibility. They just show up, on site, at the start time and can spend more time on site.
- We could use Individual Flexibility Arrangements to win work, get the workers to agree to less than the EA so we are cheaper, then that’s what they get paid for that project.
- We could start workers at a lower rate (say TSW1) so that we can bid cheaper and win more work.
- We could roll all the allowances into the wage, so our hourly rate looks better to attract people, but be cheaper overall than other companies.

These are not suggestions that would logically come from Bargaining Reps who are Bargaining to improve the the workers that they represent. If you are represented by a rep in these meetings, you need to be asking them if they are advocating for a reduction in your conditions!

In our view, if these meetings continue to go this way, the company may be able to put out an EA for a vote and say that the document is a product of "Negotiations". Without effective and robust Negotiations, the workers stand to lose conditions.

Until we go to the FWC, on the 18th of November 2021, we advise workers to attend these EA Meetings and counter any suggestions made that reduce conditions for the workers of UMPL Enerven (or any worker that can be transferred to Enerven in the future, which is *all* UMPL workers). If you wish to attend, please call your Union to discuss.

Why is the SBU Contesting the Separation of Agreements?

We'd like to clarify our position on this, so that every worker is clear why we are spending so much time and energy trying to retain a single EA at this point. The main reason is that our Members have overwhelmingly endorsed this position for their own reasons. But along with that we believe the separation of the current single EA will lead to a deterioration of terms and conditions of our Members, for the following reasons:

- There is no clear delineation between UMPL SA Power Networks and UMPL Enerven (businesses or proposed EA's) and as a result, workers could be moved from one to the other without agreement.
- 2 separate Enterprise Agreements with one employer (UMPL) has a high likelihood of creating a 2 tiered workforce with different pay rates and conditions.
- All workers in SAPN and Enerven are employed by Utilities Management Pty Ltd. SAPN and Enerven are only trading names and don't employ any workers, so using these "entities" to govern who is covered by an EA is completely ambiguous.
- We have asked UMPL to put in a 'no transfer without agreement' clause in the EA negotiations, they have refused and said they want to maintain the ability to freely push workers from one to the other.
- Many workers who work for one "entity" regularly perform work for the other "entity" which raises a question over which EA they would fall under. Could they be covered by whichever they perform work for on that day/hour? It could also raise some 'ring fencing' questions for the AER.
- Enerven has a higher proportion of workers of precarious employment arrangements (defined term contracts/supp labour and secondments) which makes these workers less likely to resist strong management advances to take away conditions, especially through an unfair EA process.
- After 16 months of bargaining and taking Protected Action, it is hugely unfair that this small percentage of workers have to go back and start from a "clean slate".

I hope these points help clarify the reasons that we are doing all we can to maintain a single EA. We are stronger together and the process that we are seeing pushed forward by UMPL, at present is extremely unfair and, in our view, invalid, this is why it is our duty to challenge it.

The next UMPL EA meeting is planned for November 23rd 2021.

The next UMPL Enerven EA meeting is 16th & 17th of November 2021.

SAME WORK, LESS PAY, WE SAY, NO WAY

For more information regarding the SAPN/Enerven enterprise agreement negotiations, contact your relevant union workplace delegate or your Union Organiser:

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PLEASE SHARE THIS UPDATE WITH YOUR WORKMATES