



SBU Update 28 March 2022

Unions win against UMPL – Again!

Last Friday, 25th of March a full bench of the Fair Work Commission (FWC) handed down an important decision - finding in favour of SBU Unions representing workers at SAPN and Enerven and against Utilities Management Pty Ltd (UMPL).

The full bench upheld an appeal by the Unions against the 23rd December 2021 decision of FWC Deputy President Anderson, which effectively allowed UMPL to split the workforce and impose two separate enterprise agreements - without any clear definition of which workers would be covered by which agreement. This outcome would have enabled the company to shift workers between agreements at will, changing peoples terms and conditions of employment in the process.

The full bench in overturning DP Andersons decision agreed with the unions that UMPLs actions have resulted in an unfair and inefficient bargaining process. The FWC decision noted that the scope order sought by the unions was appropriate given:

'The purpose of the making of the scope order would be to overcome the unfairness and inefficiency in bargaining which has arisen as a result of Utilities Management pursuing its scope proposal through a separate "bargaining track" in order to attempt to produce a fait accompli'.

The full bench also noted:

*'We find that bargaining is not currently being conducted fairly and efficiently and that **the concerns of the CEPU and Professionals Australia on this score which led to their applications for scope orders are objectively justified.** This unfairness and inefficiency **would likely not have arisen if Utilities Management had chosen to raise and advocate for its alternative proposal concerning two agreements within the framework of the existing bargaining process flowing from the first NERR'.***

You can access the full decision [HERE](#).

This outcome may not be remarkable in isolation, but it is the most recent example of a pattern where local unions funded by South Australian workers have continued to prevail over the highly resourced multi-national, multi-billion-dollar corporation that owns and operates SAPN and Enerven.

The reason the unions have continued to win in the face of seemingly overwhelming corporate power is simple - the unions have been right and individuals representing UMPL have been wrong.

We don't say this in order to gloat, we say this because we believe it clearly indicates that UMPL has a problem - The business seems currently incapable of reaching a fair and reasonable outcome acceptable to the parties to replace the expired enterprise 2018 enterprise agreement.

UMPL has been engaged in negotiations for a replacement Enterprise Agreement for **22 months** now, and have expended considerable time, effort and money with no result. It is evident that either the company's strategy, the personnel engaged in deploying that strategy, or both, have failed.

This failure is a problem that not only affects union members at SAPN and Enerven. It affects UMPL employees more broadly, the business of UMPL, its customers and as a consequence, the shareholders' interests that UMPL management and its board are obligated to advance.

The lack of progress and hard-line tactics employed by UMPL have resulted in union members at SAPN and Enerven resorting to a sustained protected industrial action campaign - for the first time in decades. Important work is not getting done, creating a backlog and inconveniencing customers. UMPL is risking long term reputational damage and destroying the 'can-do' team culture of a distribution business that has repeatedly been rated by the Australian Energy Regulator as the most productive in Australia.

It is in the best interests of both UMPL and union members to settle a replacement enterprise agreement, and the unions of the Single Bargaining Unit are eager to make this happen as soon as possible. Our criteria is very straightforward and should not be offensive to a reasonably minded, highly profitable employer - We just want a fair and reasonable outcome for UMPL employees that applies industry standard wage increases and does not reduce terms and conditions of employment.

The SBU Unions will contact UMPL as soon as we can in an effort to get this process back on track. In the meantime:

A STOP WORK MEETING and RALLY

is called for

ALL UNION MEMBERS

08:00 TUESDAY 29th MARCH

In the

Adelaide Parklands

Corner of Greenhill Rd and Anzac Hwy

(Diagonally opposite SAPN HQ No 1 Anzac Hwy)



Download the flyer [HERE](#) to print out and distribute in your depot or workplace..

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