

## Utilities Management EA Update 04/08-2022

### **FWC finds UMPL breached Good Faith Bargaining obligations**

The Fair Work Commission has found in a [decision](#) handed down by Deputy President Anderson on Tuesday 2 August that Utilities Management Pty Ltd (UMPL) breached its [Good Faith Bargaining](#) obligations by putting a proposed Enterprise Agreement to a ballot of SAPN workers and excluded Enerven workers which was inconsistent with a [scope order](#) issued by a full bench of the FWC.

### **UMPL cancels bargaining meeting**

Disappointingly, UMPL advised the SBU yesterday that it needed to cancel the negotiation meeting scheduled for today, Thursday 4 August, to give the company reps time to consider the FWC decision. The SBU wrote to UMPL advising that we have read and considered the decision and were ready and able to meet today to continue negotiations - we didn't get a response.

### **FWC Recommendations**

In his decision Deputy President Anderson cited the *risk of deepened and damaging impacts to industrial relations in an important sector of the South Australian economy* and recommended that UMPL and bargaining representatives discuss the compromise option of making a single agreement that covers all UMPL employees but contains specific 'SAPN' and 'Enerven' provisions where required.

The SBU has written to UMPL stating that we wish to follow the recommendation of The Fair Work Commission in this regard. We are waiting for a response.

The SBU has put this approach to UMPL previously, but it was rejected. We have also put to UMPL that the SBU could support two separate agreements if UMPL can demonstrate that this outcome will protect and improve the wages and conditions of our members. UMPL has not done this.

### **Union Delegate Power**



On Tuesday Union delegates of the Single Bargaining Unit took protected Industrial Action and met at the CEPU office for a delegate's planning day. Your Union delegates have been legendary in this campaign coordinating and communicating with members. They were all thoroughly engaged in discussions on where to go from here and will be discussing this with members in the various workplaces around the state. If your workplace or work group does not have a delegate – call your Union organiser.

## Termination of Enterprise Agreement

One of the topics covered with the delegates was the prospect of UMPL making an application to terminate your agreement, and the huge escalation of industrial disputation that would result. Whilst the SBU is hopeful that UMPL would not be so reckless as to 'go nuclear' it is an option currently open to them.

The SBU has written to UMPL asking them to rule out taking such a radical and damaging course of action. We are waiting for a reply, until we get one the SBU must continue to plan for the worst while hoping for the best.

The SBU has spoken to the State and Federal Governments about the ongoing protracted UMPL industrial dispute and our concerns of the potential ramifications to an industry engaged in providing an essential service to the people of South Australia if a sensible solution is not reached soon.

## Right to Strike

It has been reported from various locations that pressured managers have resorted to threats and intimidation in desperate attempts to prevent Union members exercising their legal right to take [protected industrial action](#).

The Unions are following these reports up. We take any claims of [adverse action](#) against Union members for exercising a [workplace right](#) very seriously. This type of behaviour can constitute a breach of the [general protections](#) provisions of the Fair Work Act. Employers and individual managers can face harsh financial penalties if found to have acted in contravention of general protections.

If you have been told something by a UMPL representative about taking Industrial Action that doesn't sound right – give your Union a call.

Examples could include things like - being told that people who take strike action will ruin their career and never be promoted, being told that planned work is emergency work, and you can face disciplinary action for refusing to do it by taking protected industrial (strike) action.

## **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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