

Submission
No 43

INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

Organisation:

Name: Ms Lorissa Stevens

Telephone:

Date Received: 16/06/2006

Theme:

Summary

Lorissa Lee Stevens
[REDACTED]
[REDACTED]

15 June 2006

The Secretariat
Social Issues Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Committee Members,

Re: My employment with Mining and Earthmoving Services Pty Ltd

My name is Lorissa Lee Stevens. I am 21 years old. I live at Paxton in the Hunter Valley.

I want to tell the Committee about my experiences of the new workplace laws.

I left Mount View High School in 2000 when I finished my school certificate. When I left school I wanted to work in the earthmoving industry because my father has been in that industry all my life. I was really interested in the equipment that he operated, and I didn't want to get a desk job.

After I left school I spent years doing training to get my tickets for all the earthmoving equipment. I can now drive a heavy rigid vehicle, a forklift, excavator, backhoe, bobcat and a front end loader. I have done Workcover training to induct me for general construction work. There are not too many girls my age who I know have all those qualifications. All of my training I have paid for myself because I really wanted to work in the industry. I knew that if I couldn't get good skilled work in an industry like that, then I would be left in an office job or in retail earning \$25K a year.

At the beginning of this year I was working full time driving a concrete truck with Redicrete Concrete, which is a company based at Cameron Park. It was a good full-time permanent position.

I had been trying to get a job in the coal mining industry for about four years and sent my resume out to different companies who worked in the coal industry in the Hunter Valley, including Mining and Earthmoving Services Pty Ltd. They are based at Muswellbrook in the Hunter Valley and work under contract at a number of coal mines in the Hunter Valley. I telephoned them just about every week for the first six months of this year asking them for a job.

In May they finally called back and told me that I had a job. They wanted me to start the next day. I was worried about not giving notice to Redicrete, but MES insisted. They were offering me a full time position based at Hunter Valley Operations, which is the biggest mine in the valley, so I couldn't turn it down. I was told that I would be paid \$19 or \$20 an hour, that it was a casual job, but that I would have 50 or 60 hours work a week, working on a permanent 12 hour shift roster alongside other full time employees at the mine. As a casual job I knew that there would be no Annual leave, Sick leave, or Long Service Leave but I was prepared to accept that because it was the only position in the industry that was available. I wasn't told that I would have to sign an AWA to get the job. I was worried about the company manager that I was dealing with. [REDACTED] name was [REDACTED] was much bigger than me and at least twenty years older. [REDACTED] kept saying to me that if I moved off to work for another company [REDACTED] would personally go out of [REDACTED] way to destroy me and make sure that I would never work on another mine site in the valley.

My induction with the company went all right, even though I had to do a 3 hour psychometric test. The manager kept threatening me throughout the induction with what would happen if I left the company, or didn't perform well. I went off and did the induction for entry onto the Coal and Allied mine sites in the Valley. The next week, on the 29th of May, I started at the mine site. I did training for two weeks with the mine's trainers, along with three other new starters, who were all men. They were all working for contracting companies who worked for Coal and Allied.

When we first arrived and discussed our jobs, I was surprised that the rates of pay between the different contractors were very different. One of the blokes told me that his hourly rate was \$26, and another was on about \$22.

In my first week of training I was paid on the Thursday. MES paid me, even though I had spent all my time at the mine being trained by

employees of Coal and Allied.

The next week, on the Tuesday the MES manager, [REDACTED] came to the mine site and into the training room. [REDACTED] walked straight into the room and slapped a document in a plastic sleeve onto the desk in front of me. It was an AWA. [REDACTED] gave me a piece of paper to sign which was to acknowledge that I had received the AWA. It said something about me having 7 days to look over the AWA, and said [REDACTED] would be back the next Monday to pick it up from me. [REDACTED] told me to make sure it was signed. I had no idea then of what my rights were, and how long I was entitled to take to read over the AWA.

During the break I looked at the AWA and saw that the trainee rate was \$20.65 an hour. I also saw a number of conditions that I didn't agree with. There was a provision to the effect that the company could deduct money from my wages to pay for induction costs, which was not something that had been discussed with me before starting. There was also a clause that you had to give 12 hours notice of being sick, and if you didn't do so you would lose your days wages and also lose \$200. I couldn't believe it. Not only did you miss out on your own wages, you had to pay the boss for being sick. It also provided for as little as one hour's notice of termination of employment by the company, but the employee had to give 7 days notice of resignation, otherwise they could withhold from pay an amount equal to the pay for the notice period. So they could take 7 days of the pay I had already earned because I was unable to work another 7 days.

When we discussed the AWA in our training group, we were all gobsmacked. The fellow who worked with other companies didn't have the same clauses in their contracts, and we couldn't believe that the terms could be legal. We thought that the AWAs had to be checked by someone before they were approved. We thought that the sick leave provision was a real safety problem, because the penalty for late notice of sick leave might encourage people to come to work and drive heavy equipment even if they are sick.

Three days later, on the Friday, my manager [REDACTED] came to the mine site to see me. [REDACTED] asked me about the AWA, and I told [REDACTED] about the things that concerned me. What followed was an unbelievable tirade of abuse. [REDACTED] stood over me, and within earshot of the trainers and other trainees told me that my views were "rubbish", and that there was no reason for me not to sign the AWA. Everyone watching was appalled. [REDACTED] continued at me for about 20 minutes. For about the last fifteen

minutes of that I was crying, but that only made [REDACTED] become louder and more abusive.

I have played soccer at representative level, and worked in earthmoving, which is a fairly tough industry. I was also once shot at in the course of a job and didn't cry. It is not easy for someone to make me cry, but [REDACTED] managed to do it. [REDACTED] told me again: "I will personally go out of my way to destroy you, and make sure you never enter a Hunter Valley mine site again."

[REDACTED] finally asked whether I would sign it or not. I told [REDACTED] there was no way I would ever sign it. [REDACTED] told me that I had wasted everybody's time and that I would not have a job with MES.

The other manager told me that the company had only included those things in the AWA because they had to, to cover themselves. He told me that what was written down would not necessarily happen. I asked if that was the case, why wasn't that written down in the AWA. The others in the training came to take me away, but [REDACTED] pointed in my face and said [REDACTED] would be back that afternoon.

[REDACTED] stayed around the mine site for the rest of the day, and passed messages to me that I was to meet [REDACTED] that afternoon. [REDACTED] hung around outside the training room. The others there tried to tell [REDACTED] that I was going away for the long weekend to protect me. I got calls from the MES office, and a text message asking me to meet [REDACTED] that afternoon.

I was so scared of [REDACTED] that I asked the trainers to walk me out to my car that afternoon. When I went out into the car park, [REDACTED] stepped out from behind a four wheel drive, and the MES manager was waiting in the car park for me. They told me they needed to talk to me. I told them repeatedly that I had told them I would not sign the AWA, and that I had received advice from the Union that I did not have to talk to them further. They stood in front of where I was walking, and moved in front of me to cut me off when I tried to walk around them to my car. Once again, I was subjected to a barrage of abuse. I was told that I knew nothing about the law and that the law meant that I had to sign the AWA. When I told them about the advice I got to the union they couldn't believe it. They said to each other "So this is where it has got to." [REDACTED] said to [REDACTED] that [REDACTED] was "pulling the pin". [REDACTED] then told me. [REDACTED] didn't even give me the courtesy of telling me that I was dismissed, just told me that [REDACTED] was pulling the pin, like I was

something to be disposed of and not a person to be treated with respect.

The Mine Manager came out and called [REDACTED] into his office, at which point, [REDACTED] continued to abuse me along the same lines as before. When [REDACTED] came back [REDACTED] told me that I should come into the office the following Tuesday to sign off my separation certificate.

I went to my car and drove off the site. On the drive home I cried more because I was so upset and humiliated.

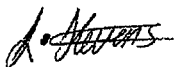
I got a number of calls from MES over the weekend even though I had made it clear to both [REDACTED] and [REDACTED] that I had nothing more to say. I didn't pick up the phone until [REDACTED] called me on a different number. [REDACTED] apologised and told me that [REDACTED] wasn't aware of the harassment I had been subjected to and offered to put the matter behind us. By that stage I had no trust in anyone from the company. I couldn't go back and work with those people.

I am worried now that I won't get work in the coal industry again despite all the qualifications that I have. I don't have any work at the moment, and it is a difficult time of the year to get work in the industry because end of financial year is approaching.

I am disgusted at the abuse and humiliation I have been subjected to, simply because I stood up for my rights and refused to accept conditions that are bad for safety and incredibly unfair. I always thought that having a job meant you got paid for doing your work. That AWA meant that workers had to pay the boss for being sick, or for leaving their job. If those things are actually legal under these industrial laws, I can't imagine the other sorts of conditions that might be in AWAs.

I hope that you will take this story into account in deciding what to do about the new workplace laws. Even though it might be legal, it cannot be right that companies can be allowed to treat me like that. It can't be right that other workers should have to accept conditions like the conditions in that AWA.

Yours faithfully,



Lorissa Lee Stevens