

*New Questions and Answers have been added to the shaded rows at top of the table. Previously published Questions and Answers are at the bottom of the table.

Questions	Answers
What is the percentage increase to superannuation?	<p>BMA superannuation contributions for many years have been a fixed dollar amount in the EA. The fixed dollar amount has always been above the contribution required by the Superannuation Guarantee legislation. Under the proposed agreement, the fixed dollar amounts go up each year in line with the 1.5% salary increases.</p> <p>This means the superannuation payable in the proposed Enterprise Agreement exceeds the minimum superannuation payable under the Superannuation Guarantee Legislation, which is currently 10% and only payable on ordinary time earnings.</p>
Why is the Company going to ballot after only three bargaining meetings?	<p>When bargaining commenced, we heard from the SBU that you wanted to reach agreement quickly and that you did not want to go backwards. For this reason, we tabled our offer early in the negotiations with the intention of avoiding the lengthy negotiations that have occurred in the past.</p> <p>Our offer supports an early outcome, ensures you do not go backwards and provides certainty by maintaining your existing terms and conditions for another four years (with some minor updates to ensure compliance with legislation and other name changes).</p>
Are there any changes to the provisions of the EA relating to start and finish places?	No. These provisions remain the same as the BMA EA 2018.
Why is the proposed wage increase of 1.5% not in line with inflation?	We've offered a 1.5% increase. On average, this equates to an increase of \$9,500 in the rates of pay for each EA employee classification over the life of the agreement. This maintains your position among the highest paid in the Bowen Basin.
Is the Emerald Accommodation Agreement 2012 included in the proposed agreement?	Yes. The Emerald Accommodation Agreement continues to apply to EA employees irrespective of the changes to the scope of the proposed Enterprise Agreement (i.e. removal of Gregory and Crinum mines).
What is the NES precedence clause for?	<p>The Commission has decided that this is an acceptable way to ensure that agreements can be approved without effecting the National Employment Standards ("NES").</p> <p>Clause 1.9 of the proposed EA states that it will be read and interpreted in conjunction with the NES, and that where there is an inconsistency between the proposed EA and the NES, and the NES provides a greater benefit, the NES will apply.</p>
How is the ballot process being conducted by CorpVote? Is CorpVote an independent provider?	CorpVote is an independent external provider and is the same provider who has facilitated ballots for the BMA EA 2018 and the BMA EA 2012. Voting information has been distributed to all employees. All votes that are cast are anonymous.
Does the casual conversion clause apply to labour hire?	No. Labour hire workers are not covered by the Enterprise Agreement. The requirement for enterprise agreements to include a casual conversion clause is a new requirement as a result of recent changes to the Fair Work Act 2009.
Does the casual conversion clause apply to Apprentices and Trainees?	No. Trainees and Apprentices are employed for a fixed term and are not employed on a casual basis.

Is there an update in the Base Hourly Rates and the Overtime Hourly Rates in the proposed Enterprise Agreement?	<p>Yes. There is an update to correct an error and increase the base hourly rates and the non-rostered overtime hourly rates in the printed copies of the proposed Enterprise Agreement.</p> <p>The proposed Agreement has been updated to reflect the correct rates. You can view the correct rates:</p> <ul style="list-style-type: none"> • In the Employee Bulletin issued on 28 July • In the updated copy of the ballot version of the Enterprise Agreement on the CorpVote website: www.netvote2.com.au/225 or <p>By asking your Superintendent for a copy of the Enterprise Agreement.</p>
I am concerned about my job security.	<p>The Company has not changed the stronger job security provisions that you fought to include as part of the BMA EA 2018. We encourage you to read the existing job security provisions in clause 31 and clause 32 of the proposed Enterprise Agreement.</p>
Does the proposed Enterprise Agreement include additional clauses on automation?	<p>No. The Company has not changed the stronger job security provisions that you fought to include as part of the BMA EA 2018. We encourage you to read the existing job security provisions in clause 31 and clause 32 of the proposed Enterprise Agreement.</p>
Can changes be made to the Proposed Agreement once it is approved by the Fair Work Commission?	<p>No. Once the Proposed Agreement is approved then it will continue to apply to employees until it is either replaced by a new enterprise agreement or terminated. If there are changes to the minimum terms and conditions in the Fair Work Act 2009 (the National Employment Standards) which are more beneficial than the terms which are currently in the proposed Enterprise Agreement, then the Company must ensure that it complies with the more favourable provisions in the National Employment Standards.</p>
If employees do not cast a vote, does that count as a 'yes' vote towards the proposed Enterprise Agreement?	<p>No. Only those employees who cast a vote will be counted and their votes will determine the result.</p>
Are Apprentices and Trainees eligible to vote?	<p>Yes. All Apprentices and Trainees who are employed by the Company and who are covered by BMA EA 2018 are able to vote for the Proposed Agreement.</p>
Is there any change to the current clause relating to Continuous Improvement?	<p>No. These provisions (clause 14) remain the same as the BMA Enterprise Agreement 2018.</p>
Will employees currently performing OCE duties be covered by the Proposed Agreement?	<p>No. Effective from 19 November 2021, all persons who are performing Open Cut Examiner duties must be employed by the Coal Mine Operator and can no longer be employed by BHP Coal Pty Ltd.</p>
What is the entitlement to cash out sick leave?	<p>Under the Proposed Agreement, employees may elect to cash out a portion of their accrued personal/carer's leave subject to retaining a balance equivalent to at least 15 days of leave. This entitlement remains the same as it was in the BMA EA 2018.</p>
Why do we only receive 10 days of sick leave per year? Previously we have received 15 days.	<p>Under the Proposed Agreement, employees accrue 105 ordinary hours (10 days) of personal/carer's leave per year.</p> <p>The entitlement to personal/carer's leave remains the same as it was in the BMA Enterprise Agreement 2012 and BMA EA 2018.</p>
Is there a commitment to provide 105 permanent jobs in the proposed EA?	<p>No. The commitment to employ an additional 105 EA employees was a point-in-time commitment, which did not form part of the terms of the BMA EA 2018 and the Company has completed this commitment.</p>

	<p>The Company continues to recruit for permanent roles across Blackwater, Goonyella Riverside, Saraji and Peak Downs in accordance with business needs.</p>
<p>I'm concerned that the changes to the consultation clause will enable the Company to impose 7/7 rosters.</p>	<p>The Company's obligations to consult with employees about roster changes are the same obligations as the BMA EA 2018.</p> <p>The changes to the consultation clause reflect the model consultation term (which is set out in the Fair Work Regulations) and which already formed part of BMA EA 2018. The Fair Work Commission determined that the model consultation clause formed part of BMA EA 2018 in May 2018 when the current BMA EA 2018 was approved.</p>
<p>The Proposed Agreement is not a rollover because it is 1.5% increase (instead of 2% last time) and four years (not three years).</p>	<p>The proposed Enterprise Agreement is fundamentally a rollover as the vast majority of your terms and conditions remain unchanged from BMA EA 2018. The changes include:</p> <ul style="list-style-type: none"> - Increasing duration of the Agreement from three years to four years to provide the maximum certainty possible; - Increase of 1.5% per year to wages and superannuation. <p>Please refer to your ballot packs if you would like to understand what has changed from BMA EA 2018.</p> <p>The 2018 EA was fundamentally a rollover of the previous enterprise agreement (BMA Enterprise Agreement 2012) but with different wage increases and some changes to the previous Redundancy clause.</p>
<p>Are there any change to the terms and conditions applicable to Apprentices and Trainees?</p>	<p>The terms and conditions for Apprentices and Trainees are unchanged from BMA EA 2018 except for increases to the rates of pay for wages and bonuses.</p> <p>The Company continues to retain the ability to offer permanent employment to Apprentices and Trainees at the end of their fixed term arrangement.</p>
<p>Are there any changes to the terms and conditions relating to redundancy?</p>	<p>The Company has increased the rate of redundancy pay by 1.5% to align with the proposed wage increase. The terms and conditions of the proposed Enterprise Agreement in relation to redundancy are otherwise the same as BMA EA 2018.</p>
<p>Why are we going to a vote if the SBU haven't agreed?</p>	<p>At the outset, both the SBU and the Company stated that they wanted to make a new enterprise agreement quickly. In response, and to avoid the lengthy negotiations of the past, the Company put forward a rollover offer to the SBU.</p> <p>The SBU considered this position and after four weeks tabled a list of issues as their counteroffer which will need a significant amount of bargaining to work through.</p> <p>The SBU's counter proposal is not a rollover because it seeks to make significant changes to the current terms and conditions of the agreement rather than maintaining your current terms and conditions. It is not consistent with the stated objectives of both parties to make a new enterprise agreement quickly.</p>
<p>What was the counter proposal put forward by the SBU?</p>	<p>The SBU tabled some significant claims in response to the Company's rollover proposal which include:</p> <ul style="list-style-type: none"> - Changes to the coverage of the agreement - Changes to clauses relating to rosters and hours of work - Changes to clauses relating to start and finish times - Provisions to allow representation of non EA employees. <p>The SBU's counter proposal is not a rollover proposal because it seeks to make significant changes to the current terms and conditions, which would require significant negotiation. It is not consistent with the stated objectives of both parties to make a new enterprise agreement quickly.</p>

What is happening?	BHP Coal will go to ballot to give employees the opportunity to vote whether or not they support the proposed replacement enterprise agreement for the BMA Enterprise Agreement 2018.
What is the offer?	<p>The offer is a rollover of the existing terms and conditions in BMA Enterprise Agreement 2018 for a four-year term with some minor updates to ensure compliance with legislation, name changes and FWC approval.</p> <p>The offer includes an increase of 1.5% per annum (for each of the four years) to wages, superannuation, severance pay, applicable allowances in the schedules and unrostered overtime rates.</p> <p>In addition, BHP Coal will backpay the wage increase to 21 May 2021 – the date of expiry of the previous EA. This means you will receive a pay rise, effective immediately, and you won't miss out on wage increases as you have done during drawn-out negotiations in the past.</p>
When is the ballot?	<p>Voting will open at 6am Tuesday 10 August 2021 and will close at 6am Monday 16 August 2021.</p> <p>Only votes successfully lodged after 6am Tuesday 10 August 2021 and before 6am Monday 16 August 2021 will be counted. You are only able to vote once and all votes are registered anonymously.</p>
How will the ballot be conducted?	<p>As with past votes we have engaged independent provider CorpVote to conduct the Electronic ballot where you can vote via phone and internet.</p> <p>To lodge your vote you will require your Employee Number and your Date of Birth.</p>
How can I get a copy of the proposed Enterprise Agreement?	<p>You will receive a copy of the proposed Enterprise Agreement in the information pack that will be provided to all BMA EA Employees.</p> <p>You can also access the proposed Enterprise Agreement via the CorpVote website: www.netvote2.com.au/225 or from your Superintendent.</p>
Why is the offer for four years instead of three years?	The agreement duration has been increased to four years to provide the maximum certainty available from an enterprise agreement. Previous EA negotiations have taken nearly two years to then lock in a three-year agreement. If we can reach agreement quickly on a four-year deal, this is a more immediate and certain outcome for everyone.
Shouldn't the offer be 2.5% in line with increases to modern awards?	Employees covered by the BMA EA are already among the top of the market in the Bowen Basin.
The coal price has increased significantly. Why are BMA EA employees only being offered a wage increase of 1.5%? Why not 2% like last time?	Employees covered by the BMA EA are already among the top of the market in the Bowen Basin.
When will employees receive backpay?	If the current offer is voted up by employees and approved by the Fair Work Commission (FWC), the wage increase of 1.5% will be backdated to 21 May 2021 (when BMA EA 2018 expired) and paid upon approval by the FWC. The approval process does take time and will likely be completed in the fourth quarter of 2021, possibly around September. This means, if the offer is accepted and approved by the FWC, up to five months' backpay could be paid as a lump sum towards the end of this year.

<p>Why is BHP Coal going to ballot so early in the negotiations?</p>	<p>We tabled an offer that is aligned to your wishes and ours – to get a deal done quickly and for no one to go backwards.</p> <p>We want to get on with business and avoid the protracted negotiations of the past.</p> <p>This is a fair offer and we want to provide you with the opportunity to vote on whether or not you support the proposed Enterprise Agreement.</p>
<p>How can I get a copy of the Notice of Employee Representational Rights?</p>	<p>A copy can be provided by your line leader, alternatively, there is a copy available on the BMA Enterprise Agreement 2021 BHP website: bhp.com/bma-ea</p>

Questions and feedback

To submit a question or feedback, speak to your Supervisor, email bmaea2021@bhp.com, complete the online feedback form here at www.bhp.com/bma-ea or contact your employee bargaining representative.