

On 10 May 2022, BHP Coal representatives and the Single Bargaining Unit (SBU) met to progress negotiations for a replacement enterprise agreement (EA). In the meeting, progress was made to narrow the matters for bargaining, however there are still major issues to be resolved.

The SBU requested an interim 3% increase to base salary outside of the EA. It was requested this be provided as a sign of “good faith”, given that the last wage increase was on 21 May 2020, and to assist with cost of living pressures while the EA negotiations are being concluded.

Importantly, we have some promising and significant developments to update you on today.

1. BHP Coal to pay a 3% interim ‘good faith’ payment for 3 months

BHP Coal has agreed to put a proposal before the Fair Work Commission for endorsement and recommendation.

This proposal involves an interim ‘good faith’ administrative payment for 3 months, equivalent to 3% of base salary. This increase, together with the agreement below, is to progress bargaining to see if we can reach an agreement as soon as possible. The payment will be subject to endorsement by the Fair Work Commission and all parties trying their best to ensure there is no disruption to ongoing safe production at the mines covered by the EA.

The Mining and Energy Union (MEU), in good faith and without prejudice, has agreed to defer any application to the Fair Work Commission for a protected action ballot order.

These arrangements may be extended for a further three months if the parties agree.

2. BHP Coal and the MEU have agreed on a process with the aim to reach agreement as soon as possible

BHP Coal and the MEU agree there needs to be a circuit breaker if the parties are to conclude bargaining as soon as possible and reach an agreement.

BHP Coal and the MEU have agreed that BHP Coal will an application to the Fair Work Commission. The AMWU and ETU will also be named as parties in that application. BHP Coal’s application will ask the Fair Work Commission to assist the parties by running a program of assisted bargaining in the Commission for an initial period of 3 months commencing from 1 June 2022.

We have agreed with the MEU an initial 3 month period. If more time is required the parties can agree to extend the program of assisted bargaining. The Fair Work Commission’s assistance will ensure the parties focus their time and resources on their key issues and help avoid unnecessary distractions.

The Fair Work Commission will help BHP Coal and the SBU move to more in-depth discussions, and also help reach an agreement more quickly by focusing on win/win solutions.

3. Next steps

More details will follow on the payment.

An application will be filed shortly. A directions hearing will then be held in the Commission shortly. We will set a program of bargaining meetings, with the aim of substantive progress towards an agreement by 31 August 2022 and a concluded agreement by 1 December 2022.

As we continue negotiations regarding the enterprise agreement, we encourage your feedback. Talk to your bargaining representative or your Superintendent, send an email to BMAEA2021@bhp.com or fill out the online feedback form on the BMA EA webpage – www.bhp.com/bma-ea/