

Labour Education Centre/ACW

Just Transition: Exactly What's in it for Workers?

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Case Study on the Hazelwood Coal-fired Power Plant Closure La Trobe Valley, Australia

Context

Coal is a major natural resource in Australia. There is a 500-year reserve in the Latrobe Valley. And, despite Australia's position as a signatory of the Paris Climate Agreement, there is still support among many union members for large energy generating stations using coal as providers of good jobs, as well as a strong faith in technological solutions for pollution abatement and carbon sequestration.

The Hazelwood Coal Power Plant is located in Latrobe Valley, 132 km east of the State of Victoria's capital city Melbourne. The plant closed in March 2017. The plant provided 20 per cent of the State of Victoria's electricity and 5 per cent of Australia's power supply. The shutdown affected 750 workers and was a major blow to the local economy of Latrobe City and Gippsland Region.

The power plant was a public utility built by the Victoria State Energy Commission between 1964 and 1971. It was one of four state owned and operated brown coal-fired plants in Latrobe Valley, contributing to a significant air quality problem for the region. In 1996 the public utility was privatized and Hazelwood was bought for \$2.35 billion by British-led global interests and rebranded as International Power. ADF Suez, a company owned primarily by the French government merged with International Power in 2010-2012. In 2015 the company was renamed as ENGIE. ¹

The power plant and its nearby open-pit coal mine operated together and were connected by the company's rail line. All were located on the edge of the town of Morwell, along the river. Planning discussions on the future of the plant had been underway since a review of the mining rights in 2004 led to an expanded stake in the brown coal deposit and new investment by the company in pollution control equipment for Hazelwood's eight coal-fired generating units. Gaining access to more coal involved a River and Roads Relocation Project to alter the course of the river.²

The environmental movement in Victoria targeted Hazelwood as old, inefficient, and very dirty; calling for closure on the basis that after 40 years, Hazelwood was at the end of its asset life. Globally it was listed as the third-dirtiest coal power station on the planet and the dirtiest in Australia. The plant released 16 million tonnes of greenhouse gases annually, nearly three per cent of Australia's total emissions. ³ Public pressure for renewable energy and coal plant closures increased and resulted in protests calling for Hazelwood's shutdown.

Talking about Transition

Starting in 2007, representatives of major union, environmental organizations, community groups, and government representatives at local and state levels began meeting in Climate Change Forums to discuss mitigation and adaptation measures.⁴ These efforts built local support for the Australian Clean Energy Act of 2011, which brought in carbon pricing and a Contract for Closure Program with the goal of decommissioning 2000 MW of high-emission generating capacity to make room for renewable energy production by 2020.

In 2012, the Australian Government was negotiating to shut down five coal plants including Hazelwood to meet the goals of this act. The discussions explored government compensation to buy out stranded corporate assets through the Contract for Closure Program's \$5.5B Energy Security Fund. Talks with the energy sector broke down and the federal program failed to achieve industry commitments. In 2014 a new government cancelled the program.⁵

In August 2014, the Victorian Centre for Climate Change Adaptation Research issued its final project report on the efforts of the former Latrobe Valley Transition Committee (LVTC). This had been created in October 2011 to implement a regional development strategy, and to help the area mitigate the impact of shifting away from coal. LVTC was a joint collaboration of federal and state governments, three local councils (Latrobe City, Baw Baw Shire and Wellington), Regional Development Australia's Gippsland Committee, Gippsland Trades and Labour Council, Victorian Chamber of Commerce, Monash University, Latrobe Community Health, the Construction, Forestry, Mining and Energy Union (CFMEU) and Skills Victoria.

Although concern was raised that no implementation resources had been committed by state and federal levels and that climate impact was secondary to regional economic strength⁶, seven strategic directions emerged through these government-led consultations⁷

- Transitioning business and workers – Providing workers and businesses affected by the economic transition with employment and business opportunities.
- Strengthening the workforce – Aligning education and training with industry's future skills predictions.
- Infrastructure for growth -Supporting industry growth and diversification by ensuring governments and industry plan and coordinate infrastructure.
- Strengthening innovation and competitiveness – Supporting businesses to increase their competitiveness and drive innovation.
- Attracting and facilitating investment – Helping existing businesses expand and encouraging new businesses to locate in the Latrobe Valley.

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- Enhancing Liveability – Maintaining and enhancing the reputation of the Latrobe Valley as a liveable community.
- Working together - Ensuring governments, business, unions and other regional stakeholders work cooperatively to diversify and grow the region's economy.

When a new Australian Government was elected in 2012, the LVTC was disbanded and the Clean Energy Act abandoned. The seven strategic directions were not implemented.

Surprise Announcement of an Immediate Closure

CFMEU and ENGIE negotiated a "no conflict" enterprise agreement at Hazelwood in February 2015 that anticipated operations continuing without the mine, due to damage from a serious fire in February 2014. The fire burned for 45 days creating a severe environmental health issue for the residents of Latrobe Valley. The state government's mine fire inquiry reported its implementation plan in 2016, but there was no indication of an imminent company shutdown.⁸ As a result of the Global Climate Summit in Paris, France in December 2015, the French government, the controlling shareholder of ENGIE, pressed the company about its coal power generation at senate hearings⁹. Subsequently, Environment Victoria exerted public pressure on ENGIE through the French Climate and Energy Minister¹⁰, and produced a "pathways strategy" for Latrobe Valley in the fall of 2016. This strategy used a Just Transition Framework to raise awareness on how to manage change that coal closure would require in Latrobe Valley.¹¹ The strategy recommended an orderly and planned transition away from coal by:

- staging the shutdowns,
- supporting workers through redundancy packages with early retirement for older workers and transfers for younger workers,
- rehabilitating the sites,
- creating a new regional economy by pursuing sustainable economic opportunities through retrofits of residential and commercial buildings and other energy conservation or renewable generation, and
- Building capacity over an extended period of time and creating a transition fund to assist with economic development.

On November 3, 2016, a day before the Paris Climate Agreement was to be "in force"; ENGIE announced that the Hazelwood coal power plant would close by March 2017, five months earlier than anticipated. The company cited difficult market conditions, surplus of energy supply, and an interest in pursuing a low carbon future. They announced that a staged shutdown of the old plant was not economically feasible.¹²

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The Australian media reported that workers and union representatives, residents of Morwell, and government officials from Latrobe City, Gippsland Region, Victoria State and the Australian Parliament were shocked by suddenness of the closure.^{13,14} More lead time than five months was expected. Years earlier, a nearby closure of an auto plant that displaced 300 workers provided three years advance notice to give adequate time for planning workforce transitions. CFMEU pointed to best practices in Germany, where they “rotated younger workers among remaining coal mines while older people took early retirement. Once the pool of remaining mines decreased, the workers looked for jobs in other industries.”¹⁵ The coal mining sector in Germany went from 90,000 workers to 1,500 workers without forced retrenchment by integrating redeployment, economic diversification and wrap-around social support over a prolonged period.

Union leadership went into intense negotiations with the government and ENGIE for a Just Transition.^{16, 17} On November 10, 2017 the Australian Council of Trade Unions (ACTU) held a major conference to unite the union movement on Just Transition and coal plant closure.¹⁸ Voices of the Valley, an award-winning citizens’ group that advocated for community interests with workers and unions, urgently called for an economic transition plan¹⁹. ENGIE committed to continue employing a number of staff in the decommissioning of the Hazelwood Power Plan facilities and the rehabilitation of the mine site.

The Response to Closure

Triggered by the company announcement, the unions, Gippsland Trades and Labour Council, the Region of Gippsland and State of Victoria governments responded with a major structural adjustment initiative. (The federal government joined in, but only contributed \$20M to support worker job counselling.) The initiative included a \$266M transition package to stimulate economic growth, create jobs and grow local businesses by the State of Victoria, plus further federal level investment in energy innovation.²⁰²¹ State government reinvestment in the Latrobe Valley included a range of transition commitments, which closely mirror the Seven Rs developed by the Labour Education Centre to categorize these programs.

The Seven R's of Just Transition

This research led the Labour Education Centre to develop a framework to organize the type of assistance that workers and unions need to ensure a Just Transition, the Seven Rs. Any public money allocated to emission reduction retrofits or equipment purchases for companies should only be available to companies with a Just Transition program in place. The seven categories are:

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1. Re-deployment – different, perhaps related jobs within the same employer and/or industry
2. Re-education/training – grants or assistance to learn new skills or change careers accompanied by income support that would allow the affected workers to access the programs
3. Re-employment – grants that provide support for workers to transition to new jobs
4. Rehabilitation – workers may be employed in the decommissioning of the plant or mine, or re-habilitation of the site. (Workers who were the last the leave often find difficulty in finding new jobs, as the labour market has become flooded with former colleagues.)
5. Re-investment in the community – this would include both social and economic investment to ensure communities are not hollowed out by plant closures and maintain a sense of community pride. This might be investing in a worker-led community economic development strategy to re-build and re-vitalize communities after the departure of a major employer and must also include:
 - a. Support for counselling services
 - b. Services for victims of domestic abuse and/or family violence
 - c. Support for childcare services to ensure that workers can access new employment, training or re-education
 - d. Income support to pay for food and cover basic expenses while displaced workers are re-training or in education programs.
 - e. Public works, recreation and/or infrastructure projects
 - f. Energy efficiency projects for homes, businesses and institutions
6. Re-location – assistance to move a substantial distance for a new job that would include moving costs and help with the purchase of a home.
7. Retirement - financial support (bridging) for workers who are close to retirement but not yet eligible for their employer pension.

When the term Just Transition is used to describe an economy-wide or even global transition there are two additional Rs that need to be included in a Just Transition strategy: They are:

8. Racial Equity – The need to ensure that workers from diverse backgrounds (racialized, newcomers, women, LBGTQ+, Indigenous) are included in the transition to a carbon free future.
9. Reconciliation – The right of Indigenous communities to be meaningfully consulted on use of their lands for all or any Just Transition projects including new builds for job sites of all kinds such as mines, timber, solar, wind, industrial and manufacturing. It is worth noting that rehabilitation of Indigenous lands will, in some cases, be large and expensive undertakings.

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Any public money allocated to emission reduction retrofits or equipment purchases for companies should only be available to companies with a Just Transition program in place that has been endorsed by a written agreement with their union.

What's in it For Hazelwood Workers: The 7Rs at Hazelwood?

At the time of the Hazelwood closure there were 750 workers, 450 were company employees and 300 were contractors. A range of trades were involved and approximately 80 per cent of the workers were unionized. Employment agreements with ENGIE at Hazelwood covered CFMEU (representing a majority of workers, including most plant and mine workers), ETU (Electrical Trades Union), AMWU (Australian Metal Workers Union), ASU (Australia Services Union) administrative staff, and a few members of Professionals Australia (Engineers).

According to the most current information from the LaTrobe Valley Authority, of the 170 workers who found new employment, 12 found jobs interstate and 15 found work in the region but not in their town of residence. A small number (28) were still working for Alinta. About 40 workers took early retirement and 66 were still looking for work. 70 workers were unable to be contacted to learn their employment situations.²²²³

The Latrobe Valley Authority (LVA), reporting to the State Premier and Cabinets Office, was established to administer the transition program and coordinate a support system with multiple points of intake. A union-based worker transition centre was set up offering peer support counselling by volunteers.

1. Re-deployment - The Worker Transfer Scheme

On May 2, 2017 unions, government and ENGIE announced that they had successfully crafted an innovative worker transfer scheme, based on the German model. This was designed to create openings at the other Latrobe Valley power plants and mines for redeployment of former Hazelwood Workers who did not take early retirement.²⁴ Company participation in the Latrobe Valley Partnership Transfer Agreement was voluntary and incentivized. The company receives \$75,000 for each position created through early retirement at the plant. A target of 150 transfers was set by the two-year State program, valued at \$20M.²⁵

At the time of Hazelwood's closure, three other brown coal fired power plants remained. AGL (Loy Yang A) and ENGIE (which also owned and operated Loy Yang B in Latrobe Valley)

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commenced recruitment activity in 2017. AGL closed its expression-of-interest process for early retirement in May 2017 after attracting 142 applications.²⁶

Energy Australia (Yallourn power station) signed onto the worker transfer partnership agreement in May 2017 and called for expressions of interest in early retirement from workers, both direct employees and those of its contractors, to create new openings for local workers. Under the agreement Yallourn is committed to recruit “around 50 Latrobe Valley residents (including ex-Hazelwood employees) in the next two years”.²⁷ Although Loy Yang B was sold to Alinta for \$1.4B in November of 2017, Alinta indicated they would honour the worker transfer scheme commitments when they took over the operation in 2018.²⁸

As of August 2018, after 18 months, only 81 transfers had taken place out of the 150 targeted spots and only another 6 months remained in the program. Most spots are with AGL as the first company in the agreement, although the other power generators are now participating as implementation of the Latrobe Valley Partnership Agreement is expanded.

There is friction between the unions and the companies that are not offering early retirement to all workers who are interested and insisting ex-Hazelwood employees compete in open competitions for jobs resulting from the scheme. The companies are also filling openings using casual contracting. They have undercut union bargaining by legally forcing a ‘safety net award’ from the Fair Wage Commission under Australian employment laws in circumstances in which bargaining has gone past the contract end date. This is partially understood as a cost control measure by the companies in a tough energy market, but still believed to be a betrayal of the agreement.²⁹

While CFMEU bargaining was underway for a new Enterprise Agreement with AGL, the employer encouraged independent workers to form groups as small as three members outside of any union to negotiate work through a non-union collective bargaining process, a common process in Australia. A settlement was reached for a slight increase over the temporary wage standard set by the Fair Wage Commission’s ‘safety net award’ while the established unions continued their contract negotiation. This tactic undercut ongoing union negotiations, allowing the company to use non-union personnel to fill retiring union member positions for lower wages and less protection. Non-union workers hired by the power company through this process are part of the same plant workforce, doing the same work as union members but earning 30 to 50 per cent less as a result. These non-union workers can’t reopen their agreement for 5-years from the start of the contract.

By October 2019, 262 people were registered with the LVA. Of these, 199 were employed; 139 had found full-time work, 51 were casual workers and 9 were working part time. Another 28

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people were not looking for work and had either retired, were re-training or in another category.³⁰

Among those who had worked as contractors at Hazelwood 471 registered. Of these 314 were employed, 200 were doing casual work and another 96 were in full-time jobs and 18 in part-time work. 6 people were either in training, had retired or were in another category.

The main areas or industries in which these workers were employed are energy/mining, in which 257 people were working and construction/trades, in which 124 were employed. Other areas included engineering (8), agriculture and food production (10) and government (12).

Australian Services Union members working at Hazelwood included workers who were state employees from the time Hazelwood was state-owned (pre-1996). These workers may have been eligible to transfer to other administrative positions within the Victoria state government with relocation costs covered. 12 former Hazelwood employees are working in government, but it is not known if they are former civil servants.

2) Re-training for a new Profession

According to the Latrobe Valley Authority, the existing training services were reorganized to more effectively meet the needs of displaced workers. These workers and their families were offered a comprehensive range of training opportunities and were connected to potential employers. Gippsland Trades and Labour Council successfully advocated for including former Hazelwood contractors in some of the training programs associated with worker support programs. Up to \$8,000 per participant is available for training programs.

The GTLC Worker Transition Centre offers job readiness programs in low voltage rescue and CPR, working in confined spaces, working at heights, white card qualifying for general construction, traffic management, first aid, rail work, and no-go zone electrical worker³¹. It also has on-site support from Gippsland Employment Skills Training (GEST), a not-for-profit registered training organization that provides accredited courses in adult education and skills development³².

2) Rehabilitation of the worksite

The company indicated in its shut-down announcement that it would provide jobs in the decommissioning and rehabilitation of the plant and mine sites. The local planning authority reported that rehabilitation could take up to 4 years to complete. ENGIE's total estimated cost for rehabilitating the mine, demolishing the plant and restoring the surrounding area was \$743

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million, according to its submission to the Australian securities and Investment Commission in January 2017.³³

Although ENGIE promised post-closure work for up to 250 people, there are only 60 Hazelwood workers in decommissioning and rehabilitation jobs. However, the decommissioning slowed due to the need for asbestos decontamination. ENGIE reports that the Power Station decommissioning was completed at the end of May 2018 and provided 150,000 person hours³⁴ (approximately 70 FTE workers for 1 year).

In June 2018 ENGIE contracted out the remaining decommissioning and demolition work to ABB Australia, a UK based international engineering firm that serves the energy industry.³⁵ According to the company, rehabilitation and demolition work to transition the site to a low carbon future and to support new commercial and recreation uses began in 2017. Studies are underway to flood the mine pit to create a full or partial lake. The relationship of former Hazelwood workers to the workforce requirements of the next stage of these projects is unclear.

3) Re-employment in local area jobs (usually at the employees' own initiative)

By August 2018, 690 of the 750 Hazelton workers and a total of 1,141 people registered for worker transition services. LVA includes family members in the worker transfer services, which may account for the difference in figures.³⁶

An LVA survey conducted in June 2017, 3 months after closure, indicated a relatively high re-employment rate. However, union sources noted that many of the workers employed through job support programs have usually found the job quality less and rate of pay lower. As Latrobe Valley has a seasonal employment market, it is expected that the new jobs will be shorter term, precarious work compared to their previous employment at Hazelwood.³⁷

A joint Federal-State Advanced Lignite Demonstration Program (ADLP), initiated in 2012 aims to find uses for the region's brown coal that are less environmentally harmful. This attracted the interest of the AGL, the Australian energy company that owns and operates the Loy Yang A Coal Power Plant and the 6000-hectare Loy Yang open pit coal mine in Latrobe Valley. The power plant is not to be decommissioned until 2048, according to the Australian Energy Council³⁸ and AGL intends to innovate with its brown coal power assets.

To attract energy jobs into the area, ALDP awarded \$25M to Chinese subsidiary Shanghai Electric Australia Power & Energy Development in 2014 to build a \$119M demonstration plant at Loy Yang A. The proposed SEAPED plant was designed to refine brown coal into higher-

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efficiency briquettes for shipping to China to supply Shanghai Electric's power plants.³⁹ Environment Victoria opposed the project, suggesting the fund be used to develop the renewable energy sector. Shanghai Electric withdrew in 2015 for reasons unknown, although China has since moved to curtail some of its use of coal for energy generation due to extreme air pollution.

SEAPED's failure has not deterred AGL. In spring 2018 it announced a partnership with Kawasaki Heavy industries in a \$495M project to produce hydrogen by gasifying brown coal at Loy Yang A.⁴⁰ The new project plans to ship liquid hydrogen to Japan to fuel its transportation sector. Kawasaki's investment is reportedly tied to the success of the process. Meanwhile, the State of Victoria has recently extended AGL's Loy Yang mine license to 2065.

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5) Reinvestment in Affected Communities

In 2015, a comprehensive Australian multi-year study entitled Dropping off the Edge ranked Morwell as one of the communities with persistent disadvantage.⁴⁴ According to recent government employment statistics, this situation has only improved slightly.⁴⁵

Larger scale infrastructure and business expansion projects under the major adjustment and infrastructure funds are just beginning. These include a new train service to Melbourne to reduce travel time and make commuting more convenient and a regional technology and innovation campus. Union leadership and LVA management representatives are optimistic that this will stimulate economic growth for Latrobe Valley and expand employment opportunities. It will take at least two to three years before worker's efforts to re-stabilize can be accurately assessed using the employment path tracking data collected by Latrobe Valley Authority.

6) Retirement

The retirement package was similar to the redundancy package described above, three weeks' salary for each year of service, up to 52 weeks. The Hazelwood workforce was mainly male with average age of 52 and average of 23 years of service, which meant generous packages. Because this is a significant amount,⁴⁶ workers are applying to the Australian Taxation Office for a tax-free threshold of \$150,000 to apply to the early retirement packages.⁴⁷

7) Redundancy Payments

According to existing collective agreements, ENGIE was legally required to pay each eligible worker at Hazelwood a redundancy payment based on 3 weeks per year of service, up to a maximum of 1 years pay⁴⁸, plus any accumulated personal leave. Under the terms of the final package for Hazelwood closure, this increased to 4 weeks service per year to a maximum of 2 years or 52 weeks, \$150 M in total⁴⁹. The package also included unused annual leave and funds for training and job search. In order to be eligible, workers had to be employed directly by ENGIE or by its contractors at the power station or mine for at least 120 days or 912 hours for the period of 1 January 2016 to 31 December 2016.⁵⁰

Perspectives on Just Transition/Conclusion

All three of the remaining Latrobe Valley power plants burn brown coal and produce significant CO2 emissions. Eventually these plants will be converted or closed to meet emissions targets, and this will directly affect a large workforce. Australian labour representatives predict that another 2 to 4 plants will close within the next decade, and additional plants between the late 2020's to 2030's. These timelines ignore the warnings of the United Nations Environment Programme in November of 2018 that Australia is falling behind its National Determined Contributions toward ghg reductions.⁵¹

Since the May 2019 election, Prime Minister Scott Morrison has announced his government's intention to uphold current targets set under the Paris agreement. The Prime Minister has not introduced many concrete measures to reduce emissions.

In the wake of the Hazelwood closure, union leaders are frustrated with what they feel have been ad hoc solutions applied after the fact for political interests and are advocating for long term rational planning. Australian labour unions continue to campaign for a long-term federal plan for coal plant closures overseen by a federal regulator and accompanied by an economic structural adjustment program.⁵²

Hazelwood is recognized as an exercise in making the best of a bad situation by negotiating a form of Just Transition. While the impact continues being felt by workers, Latrobe Valley's experience has resulted in the solid grounding of Just Transition principles in Australia.

Endnotes

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