



# ORDER

*Fair Work Act 2009*

s.306E - Application for a regulated labour hire arrangement order

## **Application by the Mining and Energy Union**

(LH2024/4)

## **MT OWEN/ GLENDELL PROGRAMMED REGULATED LABOUR HIRE ARRANGEMENT ORDER**

(LH2024/4) [LH200080]

Mining industry

DEPUTY PRESIDENT WRIGHT

SYDNEY, 15 SEPTEMBER 2025

*Regulated labour hire arrangement order – Programmed Skilled Workforce Pty Ltd and The TESA Group Pty Ltd in relation to work performed for Glendell Mining Pty Ltd – Glendell Mine Operations Employee Enterprise Agreement 2021.*

A. Further to the decision issued in [\[2025\] FWC 2690](#), the Fair Work Commission makes this regulated labour hire arrangement order (order) pursuant to s 306E of the *Fair Work Act 2009* (Cth) (FW Act).

A.1 The regulated host covered by the order is Glendell Mining Pty Ltd (the Regulated Host).

A.2 The employer covered by the order is The TESA Group Pty Ltd (the Employer).

A.3 The regulated employees covered by the order are employees of the Employer who perform work at Mt Owen Mine near Singleton in the Hunter Valley, in State of New South Wales who would, if employed by the Regulated Host, be covered by the host employment instrument identified in A.4.

A.4 The host employment instrument covered by the order is the Glendell Mine Operations Employee Enterprise Agreement 2021 [AE513311] (the Host Employment Instrument).

B. This order comes into force on 21 September 2025.

C. This order ceases to be in force where the Host Employment Instrument ceases to apply and no other new employment instrument starts to apply pursuant to s 306EB of the FW Act.

NOTE: Section 306F(2) of the FW Act provides that, while a regulated labour hire order is in force, an employer covered by the order must pay any regulated employee covered by the order no less than the 'protected rate of pay' for the employee in connection with the work performed by the employee for the regulated host. The 'protected rate of pay' for a regulated employee is defined in ss 306F(4)–(6). There are certain exceptions to this obligation under ss 306F(3) and (3A).



DEPUTY PRESIDENT

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