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ORIGINAL ARTICLE

First Peoples, Groote Eylandt mining, organisational legitimacy: The possibilities of enterprise bargaining

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Abstract

Groote Eylandt, one of Australia's largest islands, is situated north of Darwin in the Northern Territory. The Groote Eylandt Mining Company (GEMCO) is the island's most prominent employer, having begun open-cut manganese mining in 1964. GEMCO's long-term presence has led to a seemingly intractable conundrum: economically crucial for First Peoples yet accompanied by chronic socioeconomic and cultural problems. Huge disparities have emerged between the wealthy mining town of Alyangula (with over 90 per cent of its population non-First Peoples and with a predominantly fly-in-fly-out workforce) and the Angurugu and Umbakumba townships (over 90 per cent First Peoples populations). Adopting a theoretical framework of organisational legitimacy, this paper evaluates how enterprise bargaining might contribute to achieving Groote Eylandt's First Peoples employment and broader community objectives (including health, housing, and environmental restoration). At present, GEMCO's 'Employer of Choice' Indigenous employment strategy comprises three main goals: (1) establishing and maintaining a qualified mentor network; (2) implementing culturally appropriate recruitment and induction processes; and (3) maintaining training programmes that provide the necessary skills for specific jobs. Yet, despite an expansion of mining operations and associated services, First Peoples employment opportunities and participation in the townships have stagnated, while underemployment has become endemic. The paper summarises GEMCO's Employer of Choice promises and then evaluates these promises against employment and community outcomes. It goes on to explore the possibilities of enterprise bargaining at GEMCO, illustrating how future enterprise agreements might enable the achievement of First Peoples intersecting employment and community goals.

Keywords: Employer of Choice; employment; enterprise bargaining; First Peoples; Groote Eylandt mining; organisational legitimacy

Introduction

Adopting a conceptual framework of organisational legitimacy, this paper evaluates how enterprise bargaining might contribute to significant improvements in First Peoples employment and community outcomes. The issues it raises encompass not only pay, careers and working conditions but also the inextricably related concerns of housing, health and the environment. The paper begins by surveying the employment commitments made by GEMCO through its Employer of Choice strategy, drawing on organisational legitimacy theory (Del-Castillo-Feito et al 2022; Schoon 2022). While identifying several shortcomings with GEMCO's Employer of Choice strategy, the paper acknowledges its partial contributions

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to achievement of employee and community goals. Evaluation of these outcomes against GEMCO's commitments provides the basis for examining how the voices of Groote Eylandt First Peoples might be brought to the fore through enterprise bargaining, enhancing organisational legitimacy.

The main questions posed in the paper are as follows:

1. How has GEMCO sought to achieve organisational legitimacy as an Employer of Choice for Groote Eylandt's First Peoples?
2. How have First Peoples, GEMCO managers and other stakeholders evaluated the effectiveness of Employer of Choice strategies?
3. How might enterprise bargaining complement the Employer of Choice strategy, with the goal of achieving First Peoples employment and community aspirations?

The paper has two distinct, chronologically sequential stages: (1) the first-named co-author's initial, doctoral research on the effectiveness of GEMCO's Employer of Choice strategy; and (2) following an evaluation of this strategy, exploration of how enterprise bargaining might contribute to achievement of First Peoples employment and community goals.

Context, issues and stakeholders

'First Peoples' are classified here, primarily for a non-First Peoples readership, as any of the hundreds of Indigenous communities of Australia, each with their own language, names and countries or homelands. The land belongs to them and they belong to the land, forming the basis of their spiritual connections, with totemic influences that resonate constantly throughout their everyday lives. Before colonisation, Australia's First Peoples were dependent on country, as their special relationships with the land governed their social structures (David, Barker and McNiven 2006; Gammage 2012; Langton 2020; Sutton and Walshe 2021). Families formed clans (tribes) with common ancestries, languages and dialects, through which they differentiated themselves and formed protocols to follow. Each clan, therefore, has its own set of totems signifying their ancestral antecedents, with kinship determining the relationships of individuals to each other, through bloodlines or marriage. Clans are divided by moieties which determine marriage rules; that is, a person born into one moiety marries a person born into the opposite moiety.

The social organisation, history, heritage and cultures of First Peoples include, but are not limited to, relationships to country (sharing of resources); kinship; protocols (respect for Elders); clan leadership; social boundaries; totems; customs; languages; skin names; homelands; and moieties. The clan social boundary lines in communities differ from geographical boundary lines, with each clan careful not to interfere with another clan's business. Each clan has an acknowledged leader, responsible for clan matters, including ceremonial activities such as funerals. Other senior individuals may hold senior positions in the community and can be extremely influential in community decision-making. These extensive relationships preclude any concise definition of culture applicable uniformly across all clan groups. While the identities of First Peoples have been clouded under various assimilation policies and legislation (Armitage 1995), these identities remain inseparable from their cultures, laws, lore, knowledges and spiritual worlds (Pascoe and Shukuroglou 2020; Williams-Weir 1996).

The mining industry is among the most important employers of First Peoples in Australia (ABS 2021; Barker 2008). Native title legislation is one instrument by which government and private companies must negotiate land use with Indigenous owners. How each mining organisation negotiates with Indigenous owners to enter into mining

agreements differs, as each has its own means and methods of gaining legitimacy in the eyes of First Peoples. In the Northern Territory and South Australia, specific land rights legislation has returned traditional land as inalienable freehold title.

Narratively, mining companies often position themselves as working hard to obtain a social licence to operate on Indigenous lands. There is, though, a long history of corporate flouting of their obligations under mining agreements (Bond and Kelly 2021; Langton and Palmer 2003; O'Faircheallaigh 2008; Wall and Haslam 2024). Rio Tinto's May 2020 destruction of the 46,000-year-old heritage site, Juukan Gorge in Western Australia, is perhaps the most notorious example in recent years (Kemp et al 2023; Wahlquist 2020). The wider historical context and public awareness of mining companies' dubious record of First Peoples engagement underscores the relevance of this current discussion.

The cultural identity of First Peoples connected to Groote Eylandt in the Northern Territory, that of the Anindilyakwan peoples, remains unbroken over millennia. Culture encompasses customary ways of being, thinking, knowing and doing, passed down through generations, encompassing living arrangements, food, interactions and values. Failure to conform to customs (e.g., by asking direct questions) may risk shame to the family. When one culture seeks to impose their way of being, thinking, knowing and doing on others, tensions can arise (see Martin 2003). Groote Eylandt's Traditional Owners are organised into 14 clan groups across the archipelago region of the Gulf of Carpentaria. Groote Eylandt is Aboriginal freehold land under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA) held in trust. It is also an Indigenous Protected Area, meaning that the management of the land and sea is formally governed by the Anindilyakwan clans.

Groote Eylandt is one of the world's richest sources of manganese. When prospecting for manganese deposits on the island began in the 1960s, the island's First Peoples were neither recognised nor engaged with as stakeholders of importance. The ALRA was the first law by any Australian government to legally recognise First Peoples systems of land ownership, legislating undisputable freehold title. The Act provided for the granting of traditional Aboriginal land in the Northern Territory for the benefit of First Peoples. A new era emerged: big mining companies were required to operate according to mining agreements negotiated directly with First Peoples and their organisations. Mining agreements were not only about companies gaining consent to prospect and mine on First Peoples lands, in return for payment of royalties. They were also potentially transformative instruments that could involve First Peoples in training, employment, and careers through dedicated strategies and Reconciliation Action Plans (RAPs).

Mining operations on Groote Eylandt have created a long-term conundrum, though. On one hand, they are economically crucial to the Anindilyakwa people, both in terms of employment opportunities and royalty payments. Yet, on the other, they have been accompanied by (and, in some interpretations, are responsible for) endemic social dysfunction, including drug and alcohol abuse, violence, poor health, inadequate housing and impoverishment. Despite GEMCO's long-term presence, with expanding operations, overall workforce participation rates have remained low, with a trend in recent years towards declining First Peoples employment. These compounded impacts parallel experiences in Australia and in other settler colonial states (e.g. Canada), where mining has exerted a heavy footprint on First Peoples communities (Davison and Hawe 2012; Gibson and Klinck 2005; Leyton-Flor and Sangha 2024; South32 2019, 2023).

During GEMCO's presence on the island, socioeconomic disparities have intensified between the relatively wealthy mining township of Alyangula (less than 10 per cent of its population First Peoples and where most fly-in-fly-out [FIFO] workers reside) and the predominantly (over 90 per cent) First Peoples townships of Angurugu and Umbakumba. This situation has been described as 'an effective apartheid system, in place since the arrival of European missionaries' (Brasche 2015, 19). The Angurugu and Umbakumba townships have very high proportions of young people, due to a combination of high

Figure 1. Mining Lease locations, GEMCO, Groote Eylandt.
Source: South32 2019.

birth rates and low life expectancy. Over 90 per cent of residents speak a First Peoples language as their first language, while English-language proficiency is often limited (ABS 2022a, 2022b).

South32, GEMCO's majority shareholder, is a global metals and mining company, headquartered in Perth, Western Australia, with its Groote Eylandt mining operations being 'currently the largest and lowest cost manganese ore producer in the world' (South32 2019, 2). GEMCO has several mineral leases on the island, covering a total area of 8,500 hectares, including its main site in Angurugu, augmented by its Eastern (2015) and

Southern (2019) leases. Following mineral extraction, manganese ore is then processed in a concentrator, with the concentrate then being transported by road train from the mine to GEMCO's port at Milner Bay. Concentrate is stockpiled at the port before being loaded onto ships for transport to market. At the time of writing, mining operations had been suspended as of 18 March 2024, due to cyclone damage to the mine and port.

GEMCO's open-cut (or open pit) manganese mining typically occurs in quarry strips, each approximately one kilometre long, 40 metres wide and 10–25 metres in depth. This kind of mining invariably causes massive environmental damage, as it requires blasting, drilling and excavation of sites to extract mineral deposits close to the surface (Lleyton-Flor and Sangha 2024). Consequently, land rehabilitation has become both a legal requirement and a significant source of employment, especially for First Peoples residents.

Figure 1 shows the locations of GEMCO's quarries and the main mining townships of Angurugu, Alyangula and Umbakumba.

GEMCO's Employer of Choice strategy has played a major role in substantiating its claims of organisational legitimacy with respect to First Peoples. The following section provides a brief overview of both GEMCO's Employer of Choice strategy and the concept of organisational legitimacy, adopted as a framework within which to evaluate these claims.

Employer of Choice and organisational legitimacy

Employer of Choice strategies are usually given voice through organisational policies and planning designed to attract and retain employees. These can often have a specific target market, such as culturally diverse groups (Herman and Gioia 2001). In this vein, GEMCO's Employer of Choice strategy began in 1997, its key measures including a guarantee of real work; on-the-job, practical training; training in workplace culture; and mentoring by First Peoples community members in a culturally safe environment (see Tiplady and Barclay 2007).

The origins of GEMCO's Employer of Choice strategy lie in the lengthy history of Corporate Social Responsibility (CSR), usually traced to the early decades of the 20th century, although its antecedents have been located as early as the 15th century (Chan 2024; Hielscher and Husted 2020; van Lent and Durepos 2019; Schrempf-Stirling et al 2016; Smith 2024). The Employer of Choice strategy has three main priorities: establishing and maintaining a trained and qualified mentor network in the workforce; implementing culturally appropriate recruitment and induction processes; and maintaining a training programme that provides the skills necessary for each job. The employment strategy's stated objective has been to, overcome low education levels and labour force participation in Groote Eylandt's First Peoples communities. With respect to cultural appropriateness, partnerships with Groote Eylandt Bickerton Island Enterprises (GEBIE), a First Peoples-owned business delivering cultural awareness training programmes to non-First Peoples employees and with government agencies (South32 2015, 53) have been developed.

As with the Employer of Choice strategy, organisational legitimacy conveys a sense of cultural appropriateness. It has been defined as organisational actions that are 'desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman 1995, p. 547). Conceptually, organisational legitimacy seeks to capture dynamic processes and strategies developed in response to evolving social expectations, entrenched in the notion of CSR and manifested in a social licence to operate (Prno and Slocombe 2012). With deep roots in neo-institutionalism and resource-dependency theories, organisational legitimacy affords a method of explaining how organisations strive for social approval, particularly in the eyes of a given stakeholder group, thereby gaining a competitive advantage. The paper now goes on to assess the extent to which GEMCO's Employer of Choice strategy has substantiated such organisational legitimacy claims.

Methods

Building on Indigenist research methods that foreground interpretive subjectivity, this paper is grounded in the first-named co-author's cultural identity as a Malera–Bundjalung woman, who also possesses extensive experience in advancing First Peoples' employment goals. The researcher's subjective identity as an Aboriginal researcher informed the yarning that underpinned the interviews, providing a cultural frame of reference and appropriate protocols for interaction with others (Williams-Weir 1996). The researcher's mediated commonalities with Groote Eylandt's Traditional Owners, therefore, constituted a research context that may reasonably be described as one of diverse similarities. This combination of cultural identity and experience proved vital to identifying gaps in the broader literature, where First Peoples voices and perspectives are often noticeable only by their virtual absence. The words of First Peoples are consequently essential to evaluating the effectiveness of the Employer of Choice strategy in meeting their employment and community aspirations.

While conversationalist interview techniques are common in social science fieldwork, the Aboriginal conversationalist practice of yarning adds another, culturally appropriate dimension (Bessarab and Ng'andu 2010; Dean 2010; Wain et al 2016). Yarning is a form of storytelling and knowledge sharing based on relationships, a potentially decolonising method of ethnographic research designed to prevent objectification of the interviewee. The yarning method begins as an informal 'social yarn', contributing to the building of mutual trust. Different cultural mores are understood and respected, before discussion moves into the more formal 'research yarn', with the purpose of asking specific questions. Writing up the yarning is equally guided by the principle of mutual trust building, since the interpreted data are shared with the community for consent before dissemination.

The adoption of yarning, in conjunction with other conversational and ethnographic methods, contributed to the co-creation of knowledge with First Peoples, ensuring their voices were heard. To elicit the views of First Peoples on GEMCO's Employer of Choice strategy, certain key questions were asked. For example: Why would First Peoples want to work at GEMCO? Which factors affect First Peoples recruitment and retention? To what extent do First Peoples employment goals align with GEMCO's Employer of Choice strategy, promises and claims? These methods were complemented by analysis of documentary and statistical evidence. Overall, this combination of methods was designed to provide a 'ground-up' analysis of First Peoples employment at GEMCO, incorporating community concerns. Therefore, it examined how First Peoples voices and perspectives might be integrated more effectively into employment and community strategies, equalising prevailing power dynamics as far as possible, so that First Peoples might achieve 'ultimate stakeholder' status.

A further, social-scientific sampling method was also constructed, through purposive, snowball and criterion sampling approaches. Data triangulation was used to cross-validate the results, while analysis of the interview transcripts followed coding practices facilitated by NVivo software and thematic interpretation. Semi-structured interviews were conducted with Anindilyakwa employees of GEMCO, traditional owners, GEMCO management, industry representatives, hiring managers and other key stakeholders. These interviews informed a multi-layered picture of the experiences of all actors in the stakeholder network. The responses of groups of participants (First Peoples, managers, non-managerial employees and other stakeholders) were categorised according to their perceptions of the Employer of Choice strategy: 'what works' and 'what could be done better'. This overall approach enabled an apprehension of how these groups perceived GEMCO's organisational legitimacy.

Evaluating the Employer of Choice strategy

This section assesses the effectiveness of GEMCO's Employer of Choice strategy, through the concept of organisational legitimacy, to evaluate whether rhetorical claims have been matched by tangible improvements for First Peoples employees and communities. With respect to stakeholder theory, have First Peoples moved at all from the status of 'dependent stakeholders' to that of 'ultimate stakeholders'?

Two main perspectives on Employer of Choice outcomes emerged from the yarning, interviews and documentary analysis: first, that of GEMCO management, and second, the rarely heard voices of the Anindilyakwa community, including its GEMCO employees. Throughout the discussions, GEMCO management consistently espoused a narrative of broadly successful engagement with First Peoples, albeit with occasional reservations. They stressed GEMCO's legitimacy in its engagement with the Anindilyakwa people, through employment opportunities, consultation processes, royalty negotiations and compensation to Traditional Owners for mining's impacts. Therefore, they depicted an overall attainment of organisational legitimacy.

There was, though, some recognition by GEMCO management of a mismatch between claims and substantive outcomes, combined with a sense of learning from past mistakes. As a GEBIE manager observed: 'Some of the earlier promises were simply misguided, yeah, and unachievable . . . Well, they don't make silly promises any more as far as I know'. Significantly, GEMCO management acknowledged several ways in which they could improve their employment and community approaches, particularly in enhancing their own and non-First Peoples employees' knowledge of local cultures. These potential improvements included clarifying complexities within kinship rules (e.g., who can instruct members of a family group) for non-First Peoples managers and employees; increasing employment through fractional or more flexible working arrangements; addressing work patterns (e.g., 12-hour shifts) that clash with traditional obligations; and language training, given that English is a second language for many community members.

Yet managers were not unanimous in conceding the need for greater cultural sensitivity. According to one, the strategy was working well because it was enforced by hard-line measures ('boundaries') that ensured local, First Peoples employees attended work regularly:

> The boundaries are known, and the consequences are known for not doing it. If you don't call in for work at GEMCO, you get a written warning for that. There are three written warnings, obviously. The third one is the one that says you need to show cause why you're still with us. That's the same for the whitefellas as well.

This manager viewed the work disciplinary regime as a critical success factor for the programme. However, based on the interviews with First Peoples employees themselves and further evidence below, greater flexibility may be required for GEMCO to achieve substantive Employer of Choice goals, with company-wide integration of First Peoples norms and practices.

Contrary to the predominant company narrative, other interviewees, both First Peoples and non-First Peoples, criticised GEMCO's record of delivery on its promises. Several described a paternalistic, neo-colonial model whereby steadily encroaching environmental destruction of Anindilyakwan land and socioeconomic degradation were supposedly compensated for by royalties and entry-level employment or semi-skilled land rehabilitation jobs. Discussions with First Peoples afforded significant insights into the factors affecting their attraction to employment at GEMCO and subsequent retention. For example, a senior member of the Anindilyakwa Land Council (ALC) reflected at length on a range of long-term outcomes, scoring them on a 1–5 scale. These included: as a place

to work (2.5/5); contribution to the community (1/5); and employment strategy (2/5). This senior First Peoples community representative observed that GEMCO's overall legitimacy (delivering on promises) was 'very poor': 'I've been here on this mission for many years and I have seen managers come and go and I've seen promises or talks which were never delivered on'.

However, several First Peoples and other interviewees, particularly Rehabilitation and Mine Services (RMS) employees, expressed more positive views, especially with respect to working conditions and their application of traditional environmental knowledge. However, their commitment and expertise had not resulted in meaningful career progression. In this regard, the Anindilyakwa Land Council expressed doubts concerning the lack of structured employment, training and mentoring programmes, with an absence of remedial measures, should the organisation fail to implement any programme effectively. Several interviewees also voiced their concerns about high levels of turnover among GEMCO's management cohort, since trust could be built more effectively with managers who had a long-term commitment to their roles on Groote Eylandt.

In sum, the discussions revealed several problems and limitations with Employer of Choice outcomes, including declining overall First Peoples employment participation; insufficient investment in training and development for First Peoples employees; inadequate recognition of First Peoples learning and culture, including languages, across the organisation; a dearth of appropriate cultural training for non-First Peoples managers and workers; the absence of 'hard' enforceable, employment targets; a lack of suitable mentoring; and a concentration of First Peoples employees in particular areas, especially RMS. Overall, there was strong evidence of the widely documented deficiencies of corporate self-regulation, where no consequences accrue from failure to meet projected goals (Liber et al 2020; Mutti et al 2012; Smith and Tombs 1995; Weismann 2009).

South32's Southern Leases Notice of Intent (South32 2019) claimed that 'local Aboriginal employment at the existing mine has steadily increased since the introduction of the Rehabilitation & Mine Services Aboriginal Employment Strategy'. However, the report provided no substantiating evidence. Some GEMCO management participants suggested 'soft' First Peoples employment targets as high as 30 per cent. In the absence of 'hard' or enforceable targets, though, the actual outcomes have confounded such optimistic forecasts. The figure of 30 per cent would approximate to around 300 First Peoples employees, in contrast to the actual figure of 33 (3.3 per cent) contained in the 2019 Southern Leases Notice of Intent. The GEMCO employment picture may also be part of a broader, Groote Eylandt trend. In 2011, 2014 and 2017, the Northern Territory Government undertook a series of surveys to profile employment trends in its remote towns. Angurugu and Umbakumba were included in all three, Alyangula only in the 2017 survey. These surveys indicated an overall problem of increasing First Peoples underemployment, with declining participation in full-time employment (NT Government 2011 2014 2017).

Still, the overall picture emerged of GEMCO as a relatively benign First Peoples employer, when compared to other Groote Eylandt companies, although with a much larger social and environmental impact. As one manager argued, 'Unfortunately, they're the best employer of Indigenous people on Groote Eylandt. Out of five? I'd say they're probably a four, which is very generous. But the reality is they've had more success than anybody else, by miles, on Groote Eylandt'. Yet a legitimacy gap remained between Employer of Choice claims and substantive outcomes, contributing to a pervasive theme of disillusionment.

Throughout the discussions, local First Peoples identified themselves as legitimate stakeholders, possessing the legislated right to advance their community's cultural, environmental and socioeconomic goals. They remain dependent stakeholders, though, with respect to community and employment outcomes, which have fallen far short of their expectations. There would be merit in ensuring that mutual expectations are made

explicit, preferably in writing. This might achieve greater transparency in the relationship between GEMCO and First Peoples communities, which has been characterised, historically and to the present, by considerable mutual confusion. The extensive literature on improving the psychological contract in employment, particularly on the restoration of trust (Braganza et al 2021; Herrera and De Las Heras-Rosas 2021), may provide valuable insights in this regard.

The discussions revealed an overall perception among First Peoples that the Employer of Choice strategy has worked neither consistently nor comprehensively to achieve employment and community outcomes. The overall effectiveness of Employer of Choice initiatives, in terms of transforming the lives and livelihoods of First Peoples, has been limited. The Employer of Choice strategy has retained, as with international examples (O'Faircheallaigh 2023; Tetreault 2014), the historical neo-colonialism and paternalism that have plagued corporate relationships with the island's employees and communities. This is indicated by inconsistent recognition of First Peoples culture and traditions (Sandstrom and Persson 2021). Attainment of genuine legitimacy would require GEMCO to integrate First Peoples cultures, values and practices within the organisation, while responding to broader community concerns, not only in employment but also in health, housing, education and the environment.

CSR initiatives such as GEMCO's Employer of Choice strategy can often generate cynicism regarding their lack of substantive outcomes, as articulated by several interviewees. However, enterprise bargaining, with its very different origins and purposes, might infuse Employer of Choice goals with greater substance. Enterprise Bargaining Agreements (EBAs) possess a legal authority through which the goals of First Peoples workers and communities can be pursued, leading to meaningful, progressive change. For example, agreements can include enforceable employment and community targets, with appropriate monitoring, evaluation and implementation. Enterprise bargaining, therefore, represents a potentially fruitful avenue through which to pursue genuine legitimacy, providing an avenue for the inclusion of First Peoples issues in a broader agenda, requiring cultural movement by non-First Peoples stakeholders. Therefore, the limitations of GEMCO's Employer of Choice strategy may provide a departure point for exploring the possibilities of enterprise bargaining.

Exploring the possibilities

How might enterprise bargaining give greater substance to GEMCO's Employer of Choice aspirations? In this section, we seek to answer this question by drawing on GEMCO EBAs, alongside other Australian and overseas mining agreements, to provide an overview of the future possibilities of enterprise bargaining. Revisiting the original Employer of Choice goals may provide a coherent set of criteria against which to assess the potential contribution of enterprise bargaining. These goals encompassed: (1) a guarantee of real work and (2) culturally appropriate recruitment, training and mentoring. To these we may add others arising from the previous discussion: (3) restoration of trust, in the wake of unfulfilled promises; (4) enforceable employment targets; and (5) community participation and embedding. These are far from exhaustive areas where the possibilities of enterprise bargaining might be explored.

At the outset of bargaining, though, there are certain definitional questions which demand attention. First, clarity on the key terms of 'First Peoples' (or 'First Nations'), 'Aboriginal', 'Indigenous' and 'Anindilyakwan' should be established. While obviously deeply interconnected, these are not synonymous, while the distinctions have consequences. For instance, what employment strategies should be explored with specifically local, rather than non-local, First Peoples employees? What strategies might

improve the situations of *all* workers? These definitional questions require consultation and participation, involving the local community, prior to the commencement of bargaining. Each of the above issues are addressed in turn, below.

Guarantee of real work

The phrase, 'real work', is invoked frequently in Employer of Choice policies, yet without any consistent interpretation, begging the question, 'What is meant by "real work"?'. We might draw productively on definitions that have already been subject to extensive development and refinement, with corresponding measures for evaluation. There are several international examples, such as the International Labour Organisation's Decent Work measures (ILO 2013, 2022). One of the most influential and widely applied sets of measures, though, is the European Union's Quality of Working Life (QWL). This could provide a valuable source of working criteria for the development, implementation and evaluation of strategies to achieve 'real work', to be included in enterprise agreements (see Stefana et al 2022). The QWL Laeken indicators, which have been applied in various non-EU contexts, include systematic measures (e.g., career development and relevant training) that could be adapted to advance First Peoples employment at GEMCO. Notwithstanding such possibilities, though, the active engagement of First Peoples communities in defining 'real work' should be a fundamental requirement.

The discussion now examines how enterprise bargaining might encourage strategies, such as suitable recruitment, training, cultural recognition and working arrangements, that would assist progress towards an inclusive understanding of real work.

Culturally appropriate recruitment, training and mentoring

The steady erosion of First Peoples trust in GEMCO management has emerged as a consistent theme throughout this paper. Trust requires continuity and construction of shared values, knowledge and purpose. Consequently, cultural awareness should be embedded within appropriate training programmes for all employees, including managers, and in recruitment, selection, performance management and career progression. These processes should be assisted by the engagement of dedicated employment officers from the local community, with responsibilities that extend beyond First Peoples employment to promoting cultural awareness among non-First Peoples GEMCO employees, with measurable targets (see, e.g., the engagement of an Inuit Recruitment Counsellor at the Raglan Mine, in Nunavik, Northern Québec (Glencore Co. 2020)).

The GEMCO EBA already contains important commitments to acknowledge the cultural requirements of First Peoples, including the 'opportunity to meet with employee representatives on a regular basis for the purpose of discussions about the implementation or effects of this Agreement' (GEMCO 2022, 9). Such commitments offer the possibility of greater First Peoples involvement in bargaining and implementation. The EBA also includes the potential use of 'Anindilyakwa language in some instances for training delivery' (GEMCO 2022, 9). Therefore, a basis for culturally appropriate training is already present.

This observation highlights the potential value of the Employer of Choice goal of culturally safe mentoring, which may provide a path towards integrating the respective identities of 'worker' and 'First Peoples'. Paradoxically, the concentration of First Peoples employees in the RMS section, as noted above, may hold unanticipated potential in this regard. Their employment could provide an exemplar for culturally safe mentoring, premised on the enthusiasm expressed by First Peoples employees for their land rehabilitation roles. RMS employees could act not only as mentors for First Peoples employees but also as cultural trainers for non-First Peoples employees.

Restoration of trust

First Peoples reserves of trust in GEMCO management have been exhausted by decades of disappointment. Any exercise in trust restoration is no doubt an arduous task, with no guarantee of success (Kähkönen et al 2021). Enterprise bargaining may contribute to reducing the gulf between promises and outcomes, as the basis for restoration of trust, to give greater legitimacy to Employer of Choice claims. First Peoples goals can become a collective responsibility, rather than dependent on unilateral management initiatives. The inclusion of First Peoples employees, Elders and other community members on bargaining teams could ensure legitimacy in achieving culturally appropriate outcomes. Overall, the restoration of trust requires commitment to the building of substantive good faith relationships and common values, including workers, unions, management and community. These would extend considerably beyond compliance with the formal, good faith requirements of the Fair Work Act 2009 (Cth).

The restoration of trust may also be inhibited by high levels of turnover among GEMCO's management cohort, as observed by several interviewees. The departure of managers who have developed trust relationships with workers and the community results in the loss of their cultural awareness and organisational knowledge. This can also affect broader staff retention, since trust relationships can be built more purposefully with managers committed to long-term, strategic goals (Ahmed et al 2020). A stronger focus on substantive outcomes through enterprise bargaining might encourage their retention and consequently enhance trust.

Enforceable employment targets

There is extensive international literature on the need to integrate First Peoples values, interests and goals within governmental regulation of mine planning (Bainton and Holcombe 2018; Monosky and Keeling, 2021). Canadian experiences, particularly from Québec, where governments have a long history of engagement with mining on Indigenous lands, may be especially relevant. There has been a growing emphasis on Indigenous rights and interests in Québec's mining planning and regulation. For example, recent (2024) amendments to the Quebec Mining Act (RSQ c M-31.1) strengthen ministerial powers to minimise or prevent impacts on Indigenous communities and the environment, while detailed provisions mandate regular consultation and protection of Indigenous rights and socioeconomic well-being (see Brabant and Gravel 2024).

Yet a legitimacy gap between company rhetoric and employment outcomes, as with the segregation of First Peoples in particular work areas, is far from unique to GEMCO, nor even Australian mining. Québec's Raglan mine (mentioned above) has long been associated with innovative First Nations employment programmes, under its 1995 Agreement with five Inuit partners (Glencore Co. 1995) However, in the words of one former worker:

> [T]he much declared promotion of Inuit within the company was in fact largely just PR. After being passed over several times when jobs [appeared] with better pay and in trades, I along with two Inuit co-workers quit all on the same day – because of that being frozen in labour menial positions. (*Nunatsiaq News*, 8 September 2022)

Through inclusion in an Enterprise Bargaining Agreement, negotiated provisions can provide legally enforceable targets, monitored, evaluated and regulated by active union delegates and other employees. GEMCO's Employer of Choice aspirations are particularly valuable in this regard, despite the undeniable lack of progress towards their achievement. While GEMCO management may resist enforceable employment targets, they would have

difficulty, with respect to organisational legitimacy, in rejecting goals they had previously set themselves.

Enforceable targets should be expressed in clear, unambiguous language (e.g., 'we will . . .', rather than 'we will endeavour to . . .') allied with supporting programmes and mechanisms, such as committees that include workers, unions, management and community members. Enterprise bargaining affords considerable scope for the construction of measurable, short-, medium- and long-term goals, from immediate recruitment to planning for a post-mining future. There are already commitments in the current GEMCO EBA to facilitate such an approach. For instance, there is recognition that First Peoples 'particular needs' require changes to work patterns and 'special programmes', so that First Peoples can have 'the same opportunity to meet with employee representatives on a regular basis for the purpose of discussions about the implementation of effects of this Agreement' (GEMCO 2022). Such provisions can be built upon, to identify and achieve measurable, enforceable First Peoples employment targets.

National policy objectives might also be integrated within bargaining processes, to assist in achieving these targets. In the past, relevant initiatives have included the Commonwealth Government's Working on Country scheme, delivering employment and training opportunities in natural resource management for First Peoples in regional and remote Australia. The scheme had particular significance for GEMCO, as the RMS programme was modelled on it (South32 2015, p. 14). More recently, in 2024, the Commonwealth Government announced a new Remote Jobs and Economic Development (RJED) programme, developed in partnership with First Peoples and committing $707 million to provide 'people in remote communities with meaningful jobs with fair pay and conditions' (NIAA 2024).

The National Indigenous Australians Agency (NIAA), which holds responsibility for achieving these policy goals, has developed performance measures that stress substantive, timely outcomes (achieved or met in full; substantially achieved; partially achieved; not achieved). Such performance measures might be adapted for inclusion within enterprise bargaining and company policies, such as the current Reconciliation Action Plan (South32 2024), linking strategically with national policy goals and enhancing GEMCO's organisational legitimacy.

Community participation and embedding

Embedding participation and employment within the community can be achieved through specific bargaining strategies, such as consultation committees with permanent local community representation or the inclusion of community members on bargaining teams. Bargaining might also be extended to address pressing community concerns, such as the provision of housing. There is already an 'Indigenous Accommodation' clause (7.1) in the current GEMCO EBA: 'All permanent GEMCO employees residing in local Groote Eylandt communities are eligible to apply for accommodation as outlined in STA-2085 Community to Alyangula Housing Relocation Standard as amended from time to time'. (GEMCO 2022, 9)

Some other Australian mining agreements (e.g., Curragh 2023; Kalari 2023; BMA Caval Ridge [Central Queensland Services Pty Ltd] 2023) contain more expansive clauses, referring to different types of accommodation, as appropriate, from single persons to family groups. Such provisions could be adapted to suit the specific housing needs of the Anindilyakwan community. On the cessation of mining, this housing could be placed under community ownership.

Embedding employment more deeply within the local community represents a particularly daunting challenge. GEMCO's bargaining agreements have, for decades, included a preference clause for local community residents, as in the 1997 EBA: 'GEMCO's policy is to employ the best person for the job. Where two applicants are equal, preference

will be given to local Groote Eylandt residents' (GEMCO 1997, 59). An example of a stronger statement, though, would be the Yallourn 2023 Enterprise Bargaining Agreement: 'It is the intent to use local labour prior to considering sourcing labour outside of the region'. (Service Stream Maintenance Pty Ltd 2023) Such a stronger statement could provide a catalyst for greater community participation in employment and bargaining, generating a stronger impetus for the inclusion of community concerns.

Prioritisation of issues such as housing and local employment within enterprise bargaining can assist in embedding employment issues within the community. It can encourage community participation and the assumption of collective responsibility in the achievement of interconnected community and employment goals. Yet the growing preponderance of FIFO workers constitutes a considerable impediment to local employment and the embedding of employment planning within the local community.

As with First Peoples, workers do not constitute a homogeneous constituency. Most obviously, at GEMCO there are wide disparities between local community workers and FIFO workers. Employer of Choice goals have been undermined by other, concurrent company strategies, particularly an increasing reliance on a non-local workforce. In 2012 GEMCO had 50 First Peoples employees, including 35 from the local community, a figure significantly higher than several other mining companies in the Northern Territory. Yet, by 2019, there had been a decline in First Peoples employment: 46 employees, of whom 33 were from the local community (South32 2019, 11). Over the past decade, the proportion of overall jobs filled by FIFO workers has been steadily increasing, as an integral element of GEMCO's overall strategic plan (South32 2015, p. 50). Therefore, while GEMCO's Employer of Choice strategy may promise more and improved employment for the local First Peoples community, the increase in FIFO employment has effectively reduced meaningful opportunities for First Peoples.

Acknowledgement of such potential points of difference within the workforce is an important pre-condition for any realistic bargaining process. In this case, FIFO workers, whose primary reason for GEMCO employment is financial and relatively short-term, are unlikely to be particularly concerned with the long-term futures of local communities. In contrast, First Peoples concerns are deeply historical, destined to continue long after mining has departed, as addressed in the conclusion to this paper.

Conclusion

The pivotal word in this paper's title is 'possibilities': it offers an exploratory discussion of the potential of enterprise bargaining, rather than a set of prescriptive recommendations. Perhaps its most promising possibilities stem from the reality that, within the specific bargaining context, the respective parties are formally equal, while bargaining leads to a legally enforceable set of mutual responsibilities. Enterprise bargaining agreements, therefore, should include symbolic and material foregrounding of First Peoples concerns, with an explicit recognition of historical and contemporary discrimination. In this regard, mining unions and other parties might draw constructively on the significant progress made by Australian unions in other industries, such as the National Tertiary Education Union (NTEU) (see Leroy-Dyer 2023).

GEMCO's organisational legitimacy, as an Employer of Choice, has been enhanced by some modestly positive, if highly uneven, recruitment, training and retention outcomes. These, however, fall short of corporate promises of increasing quality and quantity of First Peoples employment. The company's self-proclaimed success on the island as an Employer of Choice presents a severe contrast with the socioeconomic inequalities, chronic health problems, inadequate housing and environmental degradation that continue to plague many Anindilyakwan people. This ongoing situation has led to a growing loss of trust in

GEMCO management and diminished organisational legitimacy. The attainment of sustainable employment goals for First Peoples at GEMCO requires consistent strategic implementation and binding commitments at all organisational levels, extending into the local community and wider society. Enterprise bargaining can provide a vital avenue to the achievement of these sustainable goals, which should consequently enhance organisational legitimacy.

Therefore, organisational legitimacy theory requires considerable 'stretching' to capture the complex relationships between mining companies and First Peoples. Insofar as First Peoples rights evolve through legislation intended to protect their lands, identities and cultures, including company-community engagement protocols, they may transition from the role of dependent stakeholder to that of ultimate stakeholder. This remains, though, a distant prospect. Groote Eylandt's First Peoples, the Anindilyakwa people, continue to occupy the precarious position of 'dependent stakeholder' within a network of stakeholders, where GEMCO has been the 'ultimate stakeholder'. In a very real, historical sense, though, the Anindilyakwa people are the ultimate stakeholder, before, during and after mining, which raises the question of the post-mining future.

Before the March 2024 cyclone, GEMCO's projected cessation of mining on Groote Eylandt was 2030. There is a burgeoning international literature illustrating the need to integrate First Peoples values, interests and goals in mine closure planning, policy and implementation. This literature demonstrates that mining companies should be held accountable for not only environmental reclamation but also for socioeconomic well-being following the cessation of mining. First Peoples participation as ultimate stakeholders has emerged as crucial to effective post-mining planning, policy formation and legislation in several international contexts (Bainton and Holcombe 2018; Monosky and Keeling 2021; Ninomiya et al 2023). This may represent enterprise bargaining's most crucial, long-term possibility: contributing to post-mining planning, policy and implementation that achieve First Peoples socioeconomic and environmental goals.

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