

## Federal Court penalises NUW

15 November 2019

The Fair Work Ombudsman has secured a \$72,900 penalty and \$101,539.50 compensation order in the Federal Court against the National Union of Workers (NUW) over unlawful industrial action in Melbourne.

The Court found that the NUW contravened the Fair Work Act by organising unprotected industrial action at distribution centres in Laverton and Broadmeadows, which was unprotected and unlawful because it occurred before the nominal expiry dates of the respective enterprise agreements covering employees.

In August 2015, employees engaged in industrial action to protest a decision of a Woolworths subsidiary company operating the Laverton centre, Woolstar Pty Limited, to engage casual workers at the centre through a third-party labour hire agency.

The Court also found that the NUW breached workplace laws by organising industrial action at the Laverton distribution centre in contravention of a Fair Work Commission order that the NUW must not organise industrial action at the distribution centre.

Fair Work Ombudsman Sandra Parker said enforcing compliance with industrial relations laws is fundamental to maintaining the integrity of Australia's system.

"All workplace participants have a right to be protected by the Fair Work Act and we are prepared to take enforcement action in response to unlawful industrial action that undermines the industrial relations system," Ms Parker said.

More than 200 employees took part in the industrial action at the Laverton centre between August 10 and 13 and more than 50 employees took part in the industrial action at the Broadmeadows centre on August 13.

The NUW also organised pickets between August 10 and 13, which included some employees blocking trucks and people from entering and exiting the Laverton centre and swearing at employees who attended or left work at that centre.

Justice Kerr dismissed the Fair Work Ombudsman's allegation that the NUW contravened the general protections provisions of the Fair Work Act by organising the industrial action and pickets with the intent to coerce Woolstar to not engage a third-party labour hire agency.

The NUW must pay the ordered compensation to Woolworths to compensate for additional delivery costs incurred as a result of the industrial action.

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