

AWU faces court over alleged unlawful industrial action

22 February 2010

The Fair Work Ombudsman has launched a prosecution against the Australian Workers Union (AWU) and two of its officers for allegedly organising unlawful industrial action at a NSW south coast worksite last year.

The four respondents to the prosecution are the AWU, AWU NSW, AWU NSW Assistant Secretary Andrew Gillespie and AWU Port Kembla branch President Andrew Gorman.

Documents lodged in the Federal Magistrates Court in Sydney allege that Mr Gillespie and Mr Gorman, acting on behalf of the AWU and AWU NSW, organised employees of Boral Resources (NSW) Pty Ltd to engage in unlawful industrial action at the company's Dunmore quarry site on February 13 and 16 last year.

The industrial action was allegedly conducted in relation to an objection to Boral supervisors carrying out the work of Boral employees.

It is alleged the industrial action was unlawful because it was conducted before the Boral employees' collective agreement expired.

It is further alleged that Mr Gillespie, on behalf of the AWU and AWU NSW, breached workplace laws by trying to coerce Boral into paying employees for time they spent engaging in a lawful strike at the Dunmore quarry on June 30.

Mr Gillespie and Mr Gorman allegedly also breached workplace laws relating to how they were required to enter and conduct themselves at the Dunmore site.

Fair Work Ombudsman Executive Director of Complex Investigations Karsten Lehn says the Agency decided to launch the prosecution because laws regarding how industrial action can be lawfully conducted and how permit holders may lawfully enter Australian workplaces had allegedly not been adhered to.

The respondents allegedly committed multiple breaches of workplace laws. The AWU and AWU NSW face maximum fines of \$33,000 per breach, while Mr Gillespie and Mr Gorman face maximum fines of \$6600 per breach.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance with and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au. For translations call 13 14 50.

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