

TWU prosecuted over alleged unlawful industrial action at transport depot

22 January 2010

The Fair Work Ombudsman has launched a prosecution against the Transport Workers Union of Australia (TWU) and one of its officers for allegedly organising unlawful industrial action at a national transport company.

In court documents lodged in the Federal Magistrates Court in Sydney, the Fair Work Ombudsman alleges the TWU and Neale Harper organised employees of McColl's Transport to engage in unlawful industrial action at the company's Wetherill Park depot in western Sydney.

The unlawful industrial action allegedly lasted the full working day of February 16, 2009.

Mr Harper was an organiser for the TWU at the Wetherill Park depot and was allegedly at the depot that day.

It is alleged that the industrial action was conducted in objection to McColl's Transport dismissing an employee, who was a TWU member, on February 13.

The Fair Work Ombudsman alleges that the industrial action was unlawful because it occurred prior to the expiry of the McColl's Transport employees' enterprise bargaining agreement.

It is also alleged that Mr Harper breached workplace laws by failing to return his Permit to Enter and Inspect Premises within 14 days of it expiring in 2008.

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 had allegedly not been adhered to.

The TWU allegedly committed three breaches of workplace laws and Mr Harper allegedly committed four breaches. The TWU faces a maximum potential fine of \$33,000 per breach, while Mr Harper faces a maximum fine of \$6600 per breach.

The case is listed for a directions hearing on February 2.

This prosecution follows two separate prosecutions launched recently by the Fair Work Ombudsman against the TWU for allegedly organising unlawful industrial action by Qantas baggage handlers at Adelaide and Melbourne in December, 2007 and at Sydney, Brisbane, Adelaide and Perth in March, 2009.

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

Media inquiries:

Craig Bildstien, Director Media & Stakeholder
0419 818 484
craig.bildstien@fwo.gov.au

Ryan Pedler, Media & Stakeholder Relations Senior Adviser
(03) 9954 2561, 0434 365 924
ryan.pedler@fwo.gov.au

Contact us

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