

TWU fined over unlawful industrial action

4 November 2010

The Transport Workers Union of Australia (TWU) and one of its organisers have been fined more than \$11,000 for organising unlawful industrial action at a national transport company in Sydney last year.

The TWU has been penalised \$9900 and organiser Neale Harper a further \$1320 in the Federal Magistrates Court following a prosecution by the Fair Work Ombudsman.

Federal Magistrate Shenagh Barnes imposed the fines after Harper admitted he was involved in the TWU breaching workplace law by organising employees of McColl's Transport to engage in unlawful industrial action at the company's Wetherill Park depot in western Sydney on February 16, 2009.

Federal Magistrate Barnes said the fines reflected the need to deter future breaches by the TWU, Harper and others.

The industrial action was conducted in objection to McColl's Transport dismissing an employee, who was a TWU workplace representative, on February 13.

Harper was an organiser for the TWU at the Wetherill Park depot at the time.

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

Federal Magistrate Barnes also fined Barnes a further \$100 for breaching workplace laws by failing to return his Permit to Enter and Inspect Premises within seven days of it expiring in 2008.

Fair Work Ombudsman Executive Director Michael Campbell says failing to comply with laws regarding how industrial action can be lawfully conducted is a serious matter.

In an unrelated case, the TWU was earlier this year fined \$35,000 for organising unlawful industrial action by Qantas baggage handlers at the Adelaide and Melbourne airports in December, 2007.

The fine, imposed in the Federal Court in Adelaide, was also the result of a prosecution by the Fair Work Ombudsman.

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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Fair Work Online: www.fairwork.gov.au

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