

Company allegedly applied duress to workers

20 July 2011

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

NOTE: Since the issuing of this media release, the Fair Work Ombudsman has discontinued proceedings against Peter Wilson and Paul Hughes. The Fair Work Ombudsman is continuing with its proceedings against Toyota Material Handling (NSW) Pty Ltd.

The Fair Work Ombudsman has launched a prosecution against a national company alleging it applied duress to employees based near Newcastle to get them to sign workplace agreements.

Facing court are Toyota Material Handling (NSW) Pty Ltd, company manager Peter Wilson and former manager Paul Hughes.

Documents lodged in the Federal Magistrates Court in Sydney allege the company applied duress to four workers it employed to work as service technicians at an aluminium smelter in Kurri Kurri, just west of Newcastle.

It is alleged that Mr Wilson, on behalf of Toyota Material Handling (NSW), pressured the employees to sign a workplace agreement in May, 2009 by telling them they would be rostered off their continuous shift work positions if they did not sign. The workers signed.

One of the workers allegedly also had duress applied to him on a previous occasion.

It is alleged Mr Hughes, on behalf of Toyota Material Handling (NSW), indicated to the worker in March, 2006 that he would lose his job if he did not sign a workplace agreement offered to him. He signed.

Toyota Material Handling (NSW) allegedly also breached laws relating to required procedures for executing workplace agreements, including allowing employees seven days to consider agreements and providing information statements.

Fair Work Ombudsman Nicholas Wilson says the decision to prosecute was made because it is important to ensure employers negotiate lawfully with employees in an environment free of duress and illegitimate pressure.

Toyota Material Handling (NSW) was allegedly involved in multiple breaches of workplace laws. The company faces maximum penalties of \$33,000 per breach.

Mr Peter Wilson and Mr Hughes allegedly each committed one breach of workplace laws. They each face maximum penalties of \$6600.

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A free interpreter service is available on 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

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