

Union, labour-hire company face court over alleged 'no-ticket, no-start' policy

10 February 2012

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.

The Fair Work Ombudsman is prosecuting the Maritime Union of Australia (MUA) and a national labour-hire company over an alleged 'no-ticket, no-start' policy in Western Australia.

Prosecution documents lodged in the Federal Court in Perth allege Offshore Marine Services (OMS) Pty Ltd implemented a practice whereby membership of the MUA was a prerequisite for employment with OMS.

It is alleged that this practice led to OMS telling two individuals, a married Perth couple, in 2009 that in order to secure employment with OMS, they would have to obtain membership with the MUA.

It is alleged that the MUA, with knowledge of OMS's employment practice at the time, subsequently refused the couple's applications for MUA membership.

This ensured the jobs they were applying for at OMS were instead given to existing MUA members. The couple never obtained employment with OMS.

It is alleged the conduct of OMS and the MUA in relation to the couple breached the freedom of association provisions of federal workplace relations laws.

Under the freedom of association provisions, it is unlawful for an employer to refuse to employ a person based on whether the person is a member of a union.

A directions hearing was held in the Federal Court in Perth yesterday. The next hearing date has not yet been set.

Fair Work Ombudsman Executive Director of Complex Investigations Karsten Lehn says emails and memorandums sent by OMS and the MUA would be presented in court as evidence of an alleged 'no-ticket, no-start' policy.

"We are seeking penalties in this case only in relation to alleged conduct relating to two workers but are concerned more widespread breaches of workplace relations laws may have occurred," Mr Lehn said.

OMS and the MUA face maximum potential penalties of \$33,000 each.

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Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations
(03) 9954 2561, 0411 430 902
ryan.pedler@fwo.gov.au

Contact us

Fair Work Online: www.fairwork.gov.au

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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