

Court action over alleged distribution of posters labelling workers ‘scabs’

23 June 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 has launched a prosecution against the Maritime Union of Australia (MUA) and one of its WA officials over the alleged distribution of posters labelling workers who had not engaged in industrial action as ‘scabs’.

Facing Court are the MUA and the Assistant Secretary of the MUA’s WA Branch, William Tracey.

The Fair Work Ombudsman alleges that the MUA and Mr Tracey distributed posters entitled ‘Attention: Scabs in Fremantle’ at Fremantle Port, the Kwinana Bulk Terminal and other locations between December 6 and December 9, 2011.

The posters allegedly named five individual Fremantle Port Authority employees as ‘scabs’ because they did not engage in industrial activity taken by the majority of Fremantle Port Authority employees from December 1 to December 3, 2011.

It is alleged the posters stated that the five employees had ‘turned on their colleagues’, described the employees’ behaviour as ‘treacherous’ and stated that the employees’ behaviour ‘should stand condemned by all workers in Fremantle’.

It is alleged the posters stated that no one had ‘a right to SCAB’ so long as drowning or hanging was an available option and stated that those branded as scabs are ‘marked for life’.



The posters were allegedly distributed with intent to coerce the five employees to engage in further industrial action that was planned.

It is alleged that the conduct of the MUA and Mr Tracey breached the adverse action and coercion provisions of workplace laws.

Fair Work Ombudsman Nicholas Wilson says that the decision to prosecute was made because of the seriousness of the alleged breaches.

Mr Tracey was allegedly involved in the MUA committing a number of breaches of workplace laws. Mr Tracey faces maximum penalties of \$6600 per breach and the MUA faces maximum penalties of a further \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for the MUA to pay compensation to the five allegedly affected employees. The case is being heard in the Federal Court in Perth.

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