

NUW signs up to workplace pact

4 February 2015

The National Union of Workers (NUW) is joining forces with the Fair Work Ombudsman to help improve compliance with federal workplace laws.

The NUW has signed a three-year Memorandum of Understanding (MoU) with the Fair Work Ombudsman on behalf of its 90,000 members.

Deputy Fair Work Ombudsman Michael Campbell co-signed the MoU in Melbourne alongside NUW National Secretary Tim Kennedy.

The MoU will focus on promoting education and compliance in industries such as road transport and distribution, storage services and poultry processing, which are covered by the NUW.

It is the Fair Work Ombudsman's second MoU with a trade union. The first was with the Shop, Distributive and Allied Employees Association.

Mr Campbell welcomed the NUW's commitment to collaboration and exchange of information, saying it was pleasing to see the two parties work together to promote and achieve workplace compliance for vulnerable employees.

NUW General Secretary Tim Kennedy said the union had a strong working relationship with the Fair Work Ombudsman and it was pleasing to formalise it through the MoU.

"The MoU provides both parties with the opportunity to meet and exchange information on employment conditions within a number of specified industries," Mr Kennedy said.

"Of particular importance to the NUW is the ability to raise issues in sectors where we have experienced underpayments. We are also eager to look at employment arrangements which we believe are designed to avoid the protections of the award system and the National Employment Standards.

"As a union which represents many low paid workers, we are keen to explore with the Fair Work Ombudsman how we can better track and monitor supply chain arrangements which often leave our members in a vulnerable position."

The Fair Work Ombudsman will provide information and feedback to the NUW about investigations and targeted campaign activities which promote compliance within industries where NUW members are represented.

In return, the NUW will provide information to the Fair Work Ombudsman that provides a critical evidence base for its compliance and enforcement activities involving serious non-compliance.

The Fair Work Ombudsman has recently been working closely with the NUW on supply chain issues in horticulture and poultry processing.

As part of the MoU, the Fair Work Ombudsman has appointed a dedicated member of staff to work with NUW representatives and respond to the needs of their membership.

MoUs are an opportunity for the FWO to work together with large trade union and employer organisations to build productive, compliant and inclusive workplaces.

In addition to the MoU with the Shop, Distributive and Allied Employees Association, the Fair Work Ombudsman has recently entered into MoUs with various employer organisations including the Australian Hotels Association, Restaurant & Catering Australia and the Australian Security Industry Association Ltd.

The NUW has also signed an Enforceable Undertaking with the Fair Work Ombudsman.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws without the need for civil court proceedings.

"We use Enforceable Undertakings where we have formed a view that a breach of the law has occurred, but where the employer has acknowledged this and accepted responsibility and agreed to co-operate with us and fix the problem," Mr Campbell said.

"Many of the initiatives included in EUs help to build a greater understanding of workplace responsibilities, motivate the employer to

do the right thing and help them avoid the same mistakes again.”

The EU arises from a meeting of employees of Sigma Pharmaceuticals Pty Ltd at Belmont, in Perth, on October 6 last year - convened by an NUW organiser – which voted to take protected industrial action in support of a new Enterprise Agreement.

While the majority of workers voted in favour of industrial action, a number did not, and four of them subsequently resigned from the NUW.

The NUW organiser subsequently attached the four workers’ resignation letters to a Union banner displayed outside the company’s distribution centre on the day of the industrial action, with the word “SCAB” on each.

Further, the organiser took photographs of the banner and uploaded a picture onto her Facebook page – a page which could be accessed by all workers at the site.

The four workers say they were embarrassed and humiliated by the actions of the union organiser.

The Fair Work Ombudsman has determined that the conduct was adverse action against the employees, and contravened Section 346 of the Fair Work Act.

As part of the Enforceable Undertaking, the NUW has agreed to:

- Write to each of the four employees expressing its sincere regret and apologising for the unlawful behaviour, giving a commitment it will not occur again,
- Place a notice on the union website and in the Western Australian edition of The Australian newspaper with the same undertakings,
- Undertake training for union officials on the provisions of the Fair Work Act in relation to industrial activities, and
- Make a \$2000 donation to Jobwatch (Australia) Employment Rights Legal centre.

The Fair Work Ombudsman’s website – www.fairwork.gov.au– has information to assist employers and employees, as well as tools and resources for those who want to broaden their workplace knowledge, update their skills and discover new and more productive ways of working.

Employers and employees seeking further information and advice can also call the Fair Work Infoline on 13 13 94. A free interpreter service is also available on 13 14 50.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>) .

Sign up to receive the Fair Work Ombudsman’s media releases direct to your email inbox at www.fairwork.gov.au/mediareleases.

Download:

- [National Union of Workers - General Branch Enforceable Undertaking \(DOCX 308.4KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/nuw-general-branch-enforceable-undertaking.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/nuw-general-branch-enforceable-undertaking.docx.aspx) (PDF 1.9MB) (www.fairwork.gov.au/ArticleDocuments/837/nuw-general-branch-enforceable-undertaking.pdf.aspx)
- [National Union of Workers Memorandum of Understanding \(DOCX 88.4KB\)](http://www.fairwork.gov.au/ArticleDocuments/725/national-union-of-workers-mou.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/725/national-union-of-workers-mou.docx.aspx) (PDF 963KB) (www.fairwork.gov.au/ArticleDocuments/725/national-union-of-workers-mou.pdf.aspx)

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

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Call through the National Relay Service (NRS):

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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