

Union, shipping crew face legal action

10 July 2015

The Fair Work Ombudsman has commenced litigation against the Maritime Union of Australia (MUA) and seven shipping crew.

Fair Work Ombudsman Natalie James says the MUA and the employees allegedly breached the Fair Work Act when they failed to comply with Orders from the Fair Work Commission late last year.

Documents filed in the Federal Circuit Court allege that the MUA and the seven employees refused to let an oil tanker - the *Tandara Spirit* – depart from Melbourne.

Ms James says that at the time, the oil tanker was being chartered by petroleum company Viva Energy Australia, which had contracted Teekay to operate the vessel.

“In November last year, Viva Energy informed Teekay that its charter of the *Tandara Spirit* would expire in January, 2015 and requested the vessel be sailed to Singapore for return to its owners,” she said.

“Teekay’s subsequent requests for its employees to sail the vessel to Singapore led to an industrial dispute with some of its employees and the MUA. Some employees took industrial action by failing to follow Teekay’s direction to fuel the vessel in preparation for the voyage to Singapore.”

On November 14, Teekay obtained Orders in the Fair Work Commission requiring its employees and the MUA to cease organising and participating in industrial action.

However, Ms James says the Fair Work Ombudsman will allege in Court that seven crew members and the Union breached the Orders by defying Teekay’s directives to sail the *Tandara Spirit* to Singapore.

The *Tandara Spirit* eventually sailed for Singapore on November 26.

The Fair Work Ombudsman is asking the Court to impose penalties against the MUA and the seven workers.

The workers each face a maximum penalty of \$10,200 for one alleged contravention, while the MUA faces maximum potential penalties of up to \$51,000 per contravention.

Ms James says the Agency is also seeking Orders for the MUA and the workers to pay Teekay compensation, but is yet to make submissions on the amount.

She says a decision was made to commence legal action because enforcing compliance with Fair Work Commission Orders is fundamental to maintaining the integrity of Australia’s system of industrial laws.

The Fair Work Ombudsman has previously commenced legal action against employers for failing to comply with Fair Work Commission Orders to pay compensation to unfairly dismissed employees.

Melbourne company World Gym Sunshine Pty Ltd and its director Wayne George Mailing were fined almost \$50,000 in September, 2014 for ignoring a Fair Work Commission Order to pay \$2200 compensation to a young employee.

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