

## MUA faces court on claims it organised unlawful action

9 December 2016

The Maritime Union of Australia (MUA) is facing legal action after the Fair Work Ombudsman filed court proceedings alleging the union organised a campaign of unlawful industrial action, leading to up to nearly 100 workers withdrawing labour from shipping terminals in Sydney and Brisbane.

The allegations relate to work stoppages that took place between 7 August 2015 and 14 August 2015 at international container terminals operated by Hutchison Ports Australia in Port Botany, New South Wales and Port Brisbane, Queensland.

The Fair Work Ombudsman alleges that between 7 August and 14 August 2015 the MUA organised work stoppages by Hutchison Ports employees, who did not attend work or perform work as required at the Sydney and Brisbane terminals.

The Fair Work Ombudsman claims the MUA breached the Fair Work Act 2009 by organising the work stoppages, including by setting up a picket outside the entrances to the shipping terminals and arranging for a fund for donations for employees who participated in unprotected industrial action.

It is alleged that the MUA's conduct amounted to unlawful industrial action as the MUA, the workers and Hutchison Ports were covered by a current enterprise agreement that had not reached its nominal expiry date when the action took place.

Following the first day of the campaign, the Fair Work Commission made interim orders requiring industrial action to cease. The orders were updated on 10 August 2015. The Fair Work Ombudsman claims the MUA continued to organise the industrial action following the Commission's orders.

In addition to its own breach of the Fair Work Act 2009, the MUA faces allegations that it was an accessory to breaches by the employees engaging in unprotected industrial action. The maximum penalty per breach for an organisation is \$54,000. The Fair Work Ombudsman is also seeking orders requiring the MUA to compensate Hutchison Ports for losses it incurred as a result of the alleged unlawful behaviour.

Fair Work Ombudsman Natalie James said employers, workers and unions have the right to be protected by the Fair Work Act 2009.

"Australia has clear rules outlining the process when it comes to taking industrial action. These rules must be respected in all workplaces," Ms James said.

"Ignoring the law and organising unprotected and unlawful action undermines our industrial relations system."

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