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Fair Work decision reinforces rights of workers to seek better pay and conditions

A decision today by the industrial umpire to allow workers to keep their right to protected industrial action when an employer refuses to bargain with them is a win for Australian workers, say unions.

ACTU Secretary Jeff Lawrence said the ruling by the Full Bench of Fair Work Australia should also be a warning to all employers that they must respect workers' basic rights to bargain for better wages and conditions.

"Today's decision by the full bench of FWA to uphold the tribunal's original ruling in favour of the Transport Workers Union sends a timely message that employers cannot ignore workers' requests to bargain," Mr Lawrence said.

"JJ Richards refused to bargain in good faith, which was essentially an attempt to take away workers' fundamental right to pursue fair pay and conditions."

Today's decision came about after waste contractor JJ Richards & Son had flatly rejected attempts to initiate bargaining for a collective agreement by the Transport Workers Union.

The union then sought permission from Fair Work Australia to ask members if they wanted to take legal industrial action.

Mr Lawrence said the unanimous Full Bench had delivered a comprehensive rebuff to employer groups seeking to undermine workers' rights. He said Fair Work Australia's original ruling that unions could seek a protected action ballot when employers refuse to bargain was completely in line with the intent of the Fair Work Act to ensure employees have a voice in their workplace.

The ACTU intervened in this case in support of the TWU and to protect the principle that workers should have the right to take protected industrial action in pursuit of better pay and conditions.

"And today's decision by FWA's full bench to uphold the ruling confirms workers do have rights and should be able to freely exercise them," he said.

"If an employer refuses to bargain or recognise the legitimate claims of workers, then employees must have the option of exercising their right to strike. Any further restrictions on this right would be a dangerous development that unions will vigorously oppose.

"Protected industrial action has been a feature of the Australian industrial relations system for decades. For all of that time, including in the dark days of WorkChoices, the rights of a union to call a strike and the rights of an employer to lock out its workers have been conditioned by a requirement that all parties must be trying to reach agreement with the other. Today's decision merely confirms that."

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