



The Resource Industry Employer Group

AMMA MEDIA RELEASE

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FAIR WORK LAWS EXPOSE RESOURCE SECTOR TO INCREASED STRIKE ACTIVITY

Resource Industry Employer Group, AMMA has today intervened in an appeal before Fair Work Australia in a case which has the potential to expose the sector to significant levels of increased strike activity in the coming months.

In the decision subject to appeal, the Transport Workers' Union (TWU) had previously applied to Fair Work Australia (FWA) for a protected action ballot to take strike action, which Commissioner Harrison of FWA granted on the basis the TWU was *genuinely trying to reach an agreement*, being the statutory test for granting a protected action ballot order.

However, the application was granted without the employer actually being aware of the union's claims and without any effort on behalf of the TWU to demonstrate the majority of the workforce supported its actions.

With two thirds of the resource sector's agreements about to commence expiring, Geoff Bull, AMMA's Workplace Policy Director, who sought leave to intervene in the matter holds grave concerns for its members in the event the decision is not overturned.

"Under the Fair Work laws, there is now a real danger that unions can take strike action against employers, even in situations where the employer has no knowledge about what the claims are, and irrespective of whether the majority of workers want the action to proceed," Mr Bull said.

"This is a serious concern for the resource sector and its future productivity, leaving AMMA members unreasonably exposed to strike activity.

"It is well accepted that productivity in workplaces takes a direct hit, every time strike activity occurs. It's imperative strike activity is the last resort in every workplace.

"How can it be said that unions or employers are bargaining in 'good faith' if the Fair Work laws allow unions to bypass their obligations to 'genuinely' try to reach an agreement - before they take strike action?

"As it stands, this decision opens the doors to unions taking strike action as a first resort and before the employer and workforce are even aware of the claims." Mr Bull said.

Matter: JJ Richards & Sons Pty Ltd v Transport Workers' Union of Australia C2010/730

ENDS