

24 June, 2011

## **Do you want "fries" err "fees" with that?**

Resource industry employer group, AMMA, today warned the nine out of ten private sector workers who choose not to belong to a union, now face the prospect of being forced to share their meal break with union officials as a consequence of a decision handed down on union access to meal rooms by Fair Work Australia.

AMMA Chief Executive, Steve Knott, said what we were seeing in the latest decisions on right of entry, is the Fair Work Tribunal chipping away at the last vestiges of control employers and workers have over right of entry visits by union officials.

"The most recent decision by Fair Work Australia effectively overturns the capacity of an employer to designate appropriate rooms and sites in the workplace where the union could meet with workers," Mr Knott said.

"Resource sector employers have always acknowledged the rights of unions to go about their business in accordance with the laws of the day and there are a number of unions who do behave responsibly.

"However, we are receiving increasing numbers of reports from employers and employees that under the new workplace laws, more unions are entering workplaces more often and in some cases these laws are being abused.

"Giving union officials the ability to set themselves up in the lunch rooms of workplaces across the nation in order to drum up membership and propagate their latest political campaign, is extremely tough for employers and workers alike to deal with," he said.

Mr Knott said when the Federal Labor government introduced the Fair Work laws, it unequivocally stated it would not introduce compulsory unionism or provide special preferences to unions.

However, he said two recent decisions over right of entry visits [today's Rio Tinto decision and the previous Dardenup decision] have seen a reverse onus of proof being effectively placed on employers to show why their choice of meeting room is reasonable in the event the union disputes it.

"One of the things we can say is, the latest case law on right of entry - including the Rio Tinto and Dardenup decisions - has completely opened up a union's ability to dispute the reasonableness of an employer's choice of meeting room. In effect, all a union now has to do now is challenge the reasonableness of an employer's choice of room and they will get access to employees in the crib or lunch rooms.

"The Rio Tinto decision means a Tribunal will now be making assumptions, as it did in the Dardenup case, that because no or few employees have turned up to meet with a union, that they must be intimidated from going rather than simply not being interested in talking to the union.

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“Our view is the Dardenup case takes it even further by saying unions must be given access to even those workers who are disinterested or hostile to meeting with the union, so that the union can convert them to being interested.

“The rights of the nearly 90 per cent of Australian workers who choose not to be union members, and would like to be able to have a meal break in peace are being trampled on as a consequence,” Mr Knott said.

Mr Knott said AMMA and its members, respected the rights of workers to join and meet with a union in their time off.

“However, we are of aware of an increasing number of complaints from employees in our sector who are feeling uncomfortable in the face of rising pressure to interact with unions,” he said.

“The Federal Government set up a do-not-call register to stop people getting harassed by tele-marketers when they were having dinner at night with their families.

“Unless the Gillard Government can fix up the Fair Work Act, it looks like hard working Australians will now need another do-not-call register for when they at work trying to enjoy their lunch,” Mr Knott said.

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